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Planning Commission: 01/23/2019

City Council: 03/05/2019

Case History: 531-PA-2018

**16-AB-2018**

**Emerald Hills Ranch Abandonment**



# PLANNING COMMISSION REPORT



Meeting Date: January 23, 2019  
General Plan Element: *Land Use*  
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### **Emerald Hills Ranch Abandonment 16-AB-2018**

#### **Request to consider the following:**

1. A recommendation to City Council regarding a request by owner to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124th Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124th Street.

#### **Goal/Purpose of Request**

This request is to abandon the Government Land Office (GLO) easements on 3 parcels (APN's 217-32-050A, 217-32-052C, and 217-32-053A) that make up a +/- 7.9-acre site located at the southwest corner of E. Gold Dust Avenue and N. 124th Street, consistent with the city's Transportation Master Plan and East Shea Local Area Infrastructure Plan. The proposed abandonments will resolve existing conflicts with the GLOs and the site improvements.

#### **Key Items for Consideration**

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- No public input received regarding the proposed abandonment

#### **OWNER**

Emerald Hills Ranch, Inc.  
(602) 256-4422

#### **APPLICANT CONTACT**

Stephen W. Anderson  
Gammage & Burnham, PLC





(602) 256-4422

## LOCATION

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10030 N. 124<sup>th</sup> Street

## BACKGROUND

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### General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. Within Rural Neighborhoods, equestrian uses and privileges may exist in the flatter areas as many lots are large enough for horses and several existing developments permit horse corrals.

### Character Area Plan

The Shea Area Character Area Plan designates the property as Residential, consistent with the Rural Neighborhoods General Plan designation and the Single-family Residential zoning designation.

### Zoning

The site is zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL). The R1-43 zoning district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities. The purpose of the ESL zoning overlay district is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development of such lands.

### Context

The subject property is located at the southwest corner of E. Gold Dust Avenue and N. 124<sup>th</sup> Street. The site is generally surrounded by single-family residents and is immediately abutting United States Bureau of Reclamation land and the CAP canal to the west and south.

The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-050A was dedicated in March 1954, through patent serial number 1143415. The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-052C was dedicated in April 1954, through patent serial number 1144060. The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-053A was dedicated in March 1954, through patent serial number 1143510. The subject GLO roadway easements were reserved on the original patent deed to assure legal access.

### General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.



- Most GLO lots were patented with 33-foot (or sometimes 50-foot) roadway and public utility easements typically “as near as practicable to the exterior boundaries.”
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city’s position on abandonment of GLO patent easements.

**Related Policies, References:**

2008 Scottsdale Transportation Master Plan

East Shea Area 3: Local Area Infrastructure Plan (LAIP)

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**IMPACT ANALYSIS**

**Land Use**

The existing use of the 7.9-acre site (comprised of 3 parcels being tied together) is a Ranch, which requires a minimum of 5-acres and a Conditional Use Permit within the R1-43 zoning. The site does not currently have a Conditional Use permit for operating as a Ranch but is considered legal non-conforming under Section 1.1300 of the Zoning Ordinance. Although not currently proposed, any future alterations to the site beyond those allowed in Section 1.1300 will require the site to be brought into compliance with the Ranch Conditional Use Permit criteria and applicable regulations of the ESL Section 6.1010.

**Traffic/Trails**

Primary access to the site is currently provided by N. 124<sup>th</sup> Street. Right-of-Way (ROW) for E. Gold Dust Avenue and N. 124<sup>th</sup> Street is being rededicated in-fee to the City as part of an associated application to tie the 3 parcels together, including the additional dedication of the remaining portion of cul-de-sac at the west end of E. Gold Dust Avenue and a 25-foot wide Public Non-Motorized Access Easement (PNMAE) continuing west to tie into the public trails system running along the canal bank.



### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing and newly dedicated public right-of-way along E. Gold Dust Avenue and N. 124<sup>th</sup> Street. No impacts are anticipated.

### **Public Utilities**

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

### **Open Space**

Although not currently proposed, any future alterations to the site beyond those allowed in Section 1.1300 will require the site to be brought into compliance with the Ranch Conditional Use Permit criteria and applicable regulations of the ESL Section 6.1010 including Natural Area Open Space (NAOS), buffers, and setbacks.

### **Community Involvement**

The applicant and the City notified property owners located within 750-feet of the proposed abandonments. As of the writing of this report staff has received some general inquiry phone calls, but no written comments have been received.

### **Community Impact**

The proposed abandonments do not restrict or remove access to any surrounding properties. The necessary right-of-way dedications are proposed to be provided and/or are currently in place in the immediate area. The property owner will pay an amount to be determined as compensation for the abandonment areas.

## **STAFF RECOMMENDATION**

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### **Recommended Approach:**

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124<sup>th</sup> Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124<sup>th</sup> Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner reserve and dedicate a 20-foot wide half-street right-of-way for E. Gold Dust Avenue, the remaining portion of right-of-way for a 50-foot radius cul-de-sac at the termination of E. Gold Dust Avenue, and a 25-foot wide Public Non-Motorized Access Easement (PNMAE) continuing west from the cul-de-sac to tie into the public trails system running along the canal bank.
2. The property owner reserve and dedicate a 35-foot wide half-street right-of-way for N. 124<sup>th</sup> Street.



3. The property owner pays to the city an amount to be determined as compensation for the abandonment areas.

## **RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Jeff Barnes

Senior Planner

480-312-2376

E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)

**APPROVED BY**

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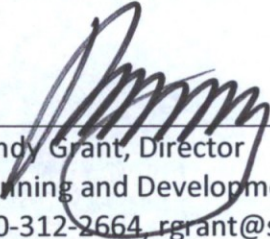
Jeff Barnes, Report Author

12/27/18  
Date



Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

1/15/2019  
Date



Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

1/7/19  
Date



## ATTACHMENTS

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1. Context Aerial
2. Aerial Close-Up
3. Applicant's Narrative
4. Compensation Analysis
5. Legal Descriptions and Graphics: Abandonment Areas
6. Local Area Infrastructure Plan (LAIP)
7. City Notification Map

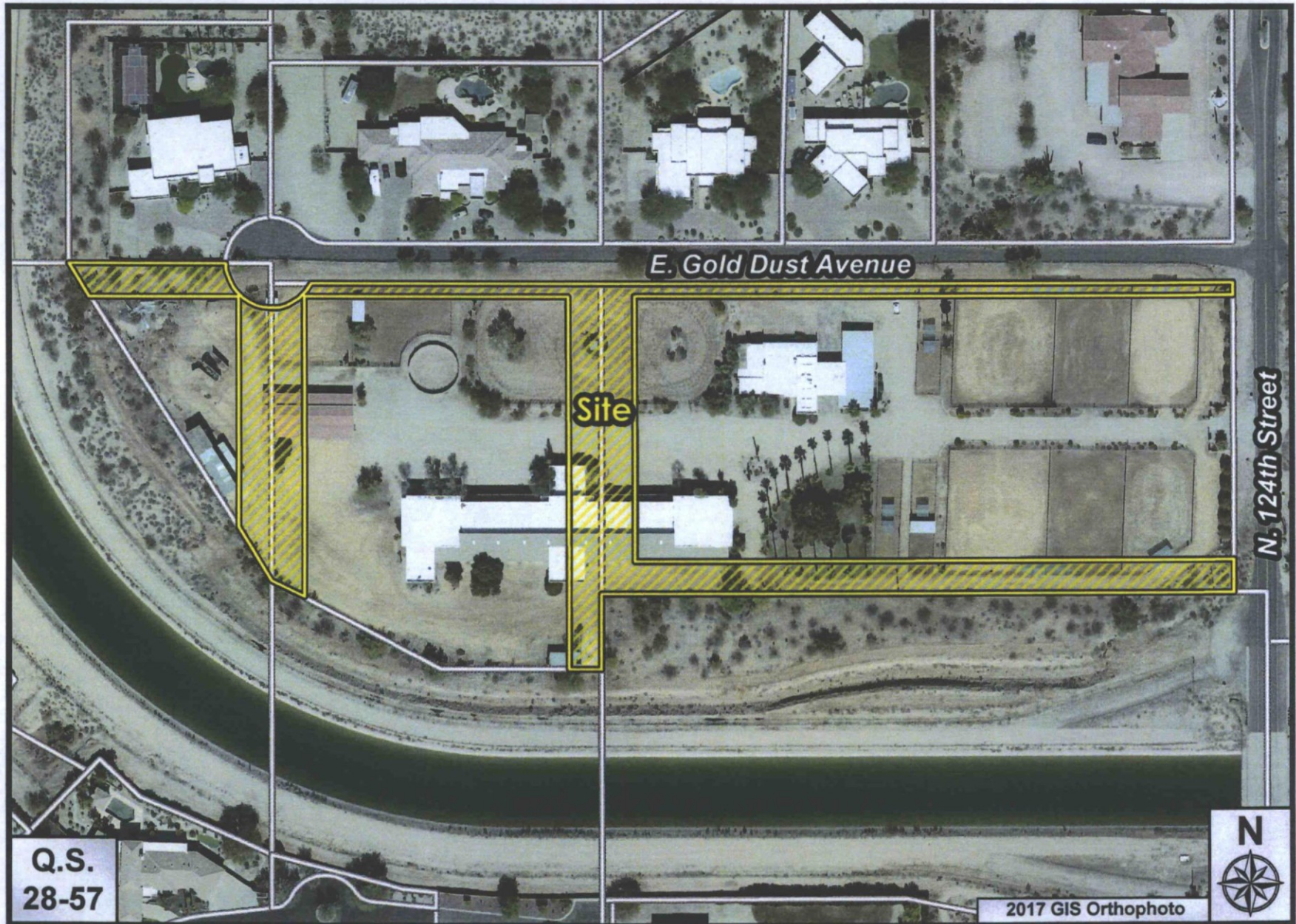




**Emerald Hills Ranch Abandonment**

**16-AB-2018**





**Emerald Hills Ranch Abandonment**

**16-AB-2018**



## **PROJECT NARRATIVE**

**Revised December 3, 2018**

This narrative accompanies revised application materials submitted on behalf of Emerald Hills Ranch, Inc. (the "Applicant"). Applications were filed on October 2, 2018, to the City of Scottsdale requesting (1) abandonment of easements (#5580-18), and (2) a lot assemblage (#16-AB-2018).

The City provided their first round of redlines/corrections on October 22, 2018, and a 1<sup>st</sup> Review Comments letter on November 2, 2018. A separate letter is included with this resubmittal that responds to those redlines, corrections, and comments. This narrative has been revised and is submitted to meet the requirement to submit a Revised Project Narrative.

### **INTRODUCTION**

The Applicant has requested to abandon GLO and other outdated easements that divide its property located at the southwest corner of N 124<sup>th</sup> Street and E Gold Dust Avenue in the City of Scottsdale (the "Property"). The Property is currently comprised of three separate tax parcels: 217-32-052C; 217-32-053A; and 217-32-050A.

A Pre-Application Meeting was held with City of Scottsdale staff on July 18, 2018, to discuss the proposed abandonments. At that meeting staff indicated that the following applications will be required:

- 1) Abandonment Application (GLO/Road/Highway Easements);**
- 2) Releases, Platting & Dedications Maps Application (Map of Release for Utility Easements); and**
- 3) Releases, Platting & Dedications Maps Applications (Lot/Tie Assemblage and ROW Dedications).**

The Abandonment Application is required for abandonment of all GLO and public right-of-way (ROW) easements. A Releases, Platting & Dedications Maps Application is required to abandon any non-ROW easements (Utilities). And because staff is requiring the Applicant combine the three parcels into one parcel, a Releases, Platting & Dedication Maps Application (Lot/Tie Assemblage) is required. Each of these applications is discussed below.

### **ABANDONMENT APPLICATION (GLO/Road/Highway Easements)**

The GLO and ROW easements that enter onto the Property may have been appropriate prior to the development of the adjacent CAP Canal, but the Canal cuts off all access to the south and to the west, thereby eliminating the need for the continued existence of any such easements. The Applicant would now like to abandon these easements.

In eliminating these easements, the Applicant (i) has no intent to impact N 124<sup>th</sup> Street or E Gold Dust Avenue, (ii) is not proposing any improvements to either of these roads, and (iii) is not proposing any improvements to the Property.



## **SWC N 124<sup>TH</sup> STREET & E GOLD DUST AVENUE**

### **1<sup>st</sup> Resubmittal: Abandonment of Easements / Map of Release (Utilities) / Lot Assemblage**

Case No. 5580-18 & 16-AB-2018 – Emerald Hills Ranch, Inc.

December 2018

These easements are not functional and do not provide any required access for vehicles or utilities. The abandonment of these easements will not impact the current zoning or use of the Property. The Applicant is not proposing to change the physical layout or use of the Property in any manner in conjunction with this abandonment request. The Applicant is simply seeking to eliminate intrusions on the Property that are no longer necessary.

The attached revised Map of Easement Release proposes to abandon four (4) easements associated with Exceptions No. 6 through 9 of the attached Title Commitment. All of the utility purveyors have provided "No Objection" letters for the abandonment of each of these easements.

#### **RELEASES, PLATTING & DEDICATIONS MAPS APPLICATION (Release of Utility Easements)**

Abandonment of two (2) utility easements is requested as a part of the overall application (Exceptions No. 10 and 11). All utility purveyors have provided "No Objection" letters for the proposed abandonments.

The City requires a new easement, 10-foot either side, for an existing water line adjacent to N 124<sup>th</sup> Street along the eastern Property line. After the required right-of-way dedication for 124<sup>th</sup>, the revised Minor Land Division Plat proposes a new 7-foot easement on the Property to provide the required easement for this water line.

#### **RELEASES, PLATTING & DEDICATION MAPS APPLICATION (Lot/Tie Assemblage and Dedications)**

The Applicant has filed this application to combine the three existing parcels into one legal tax parcel. The resubmittal application includes a revised Minor Land Division Plat. The City has requested the following public right-of-way dedications: (i) a total of 35 feet along 124<sup>th</sup>, (ii) 20 feet along a portion of Gold Dust, and (iii) the completion (south half) of a 50-foot radius cul-de-sac at the western terminus of Gold Dust.

In addition to the dedication of public rights-of-way, the City has also requested a minimum 25-foot wide public non-motorized access easement from the end of the E Gold Dust Avenue cul-de-sac west toward the CAP canal bank for trail connectivity.

The attached revised Minor Land Division Plat proposes to dedicate the new public rights-of-way, a new 7-foot easement for the existing water line adjacent to 124<sup>th</sup>, and a new 25-foot access easement to the west.

#### **CONCLUSION**

Abandonment of the outdated easements on the Property is appropriate given that the CAP Canal prohibits any potential for future roadways or utilities to connect to the west or to the south of the Property. All utility purveyors have provided "No Objection" letters. Therefore, there is no need for these easements to continue to exist on the Property.

A revised Compensation Valuation Statement is provided, which calculates the square-foot area of land proposed to be abandoned/released, and the square-foot area of land proposed to be dedicated in order to arrive at a net area of land to be used in calculating the compensation valuation. Per Staff, the value is based on the City's 20 cents per square-foot compensation for residential properties.



## **COMPENSATION VALUATION STATEMENT**

**Revised December 3, 2018**

Emerald Hills Ranch, Inc. (the "Applicant") submits the attached applications for (1) abandonment of road/highway easements, (2) release of utility easements, and (3) plat map to combine the three tax parcels into one tax parcel, dedicate additional right-of-way, and provide a utility easement for an existing water line.

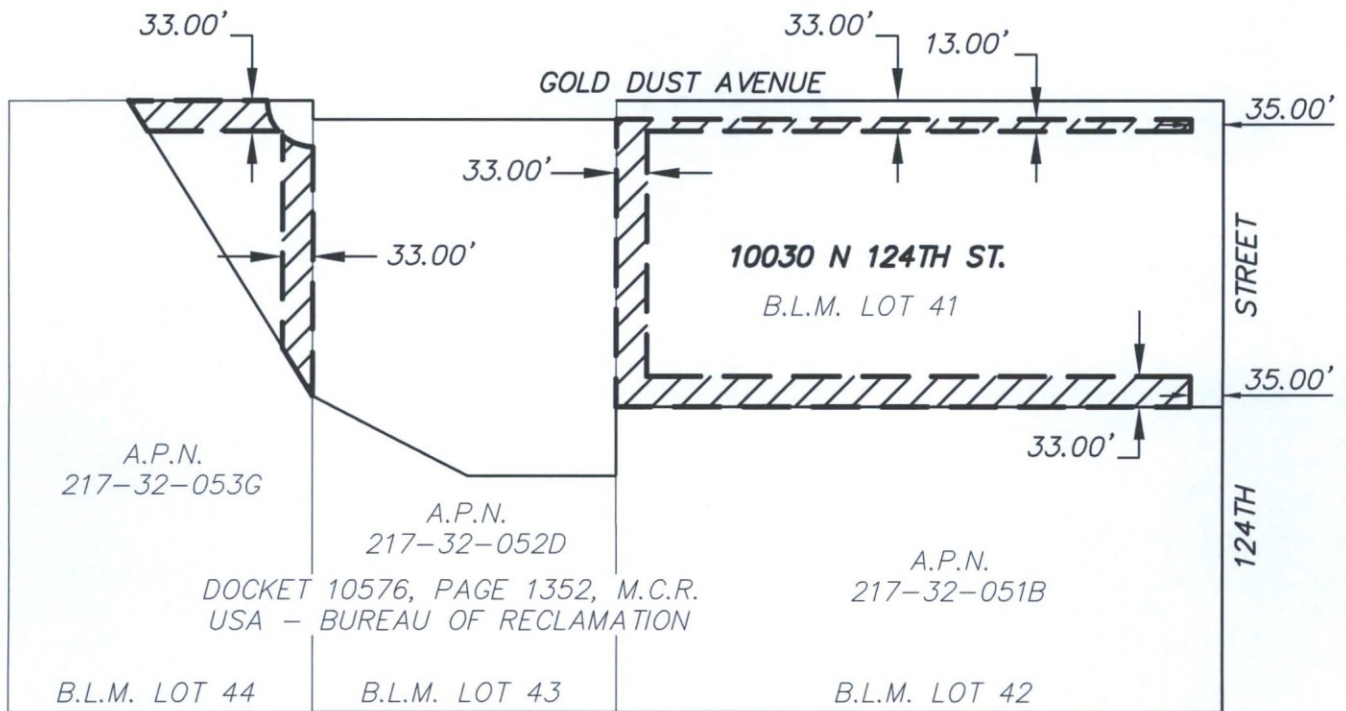
The attached exhibits detail the area of land proposed to be abandoned, and an exhibit detailing the area of land proposed to be dedicated to the City for roads, trails, and utilities. The resulting net land area is the total area used for calculating the compensation valuation, which is based on the City's standard fee of \$0.20 per square foot.

TOTAL LAND AREA OF ABANDONMENTS	50,372 S.F.
TOTAL LAND AREA OF DEDICATIONS	32,833 S.F.
TOTAL NET LAND AREA FOR COMPENSATION	17,539 S.F. X 0.20 = <b><u>\$3,507.80</u></b>



# AREA EXHIBIT FOR ABANDONMENTS WITHIN "EMERALD HILLS RANCH"

TOTAL AREA ABANDONED:  
1.156 ACRES  
50,372 SQ. FT.



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-21-18  
SHEET 1 OF 1

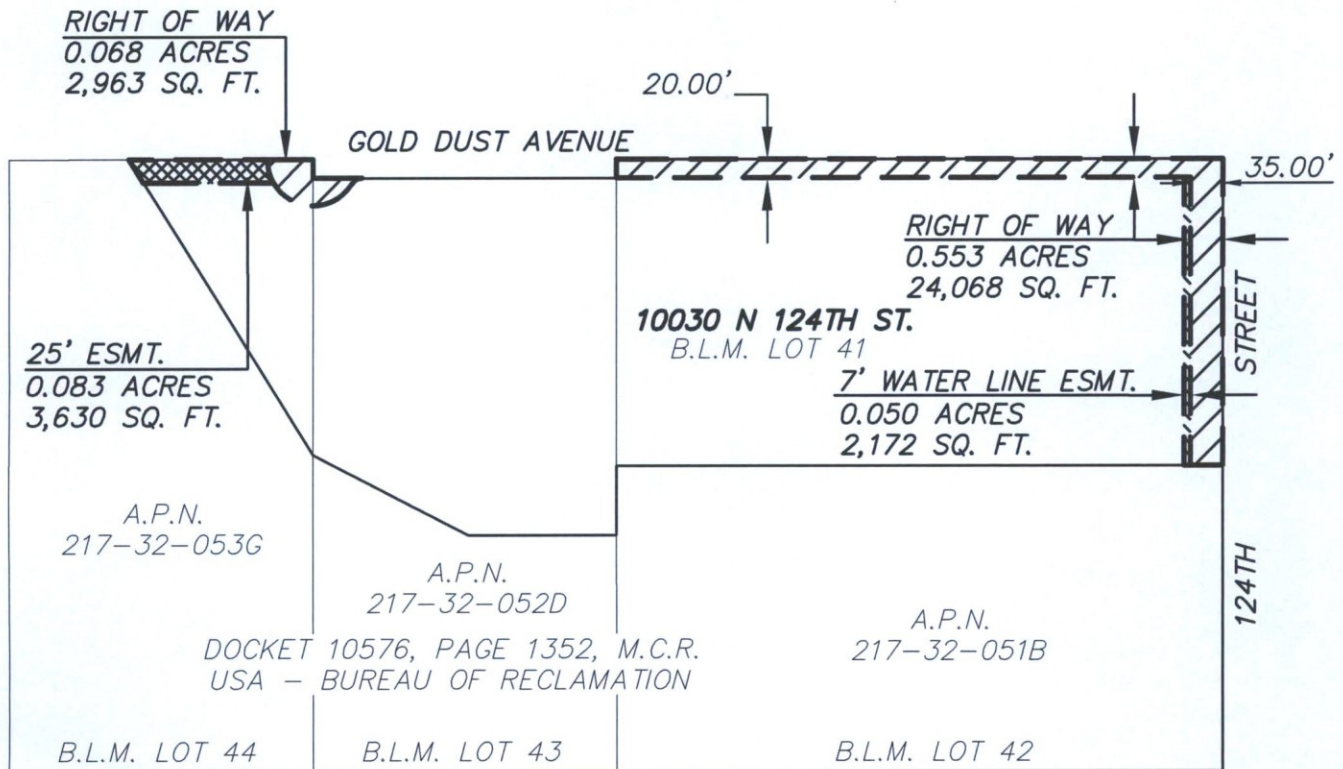


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# AREA EXHIBIT FOR DEDICATIONS ON "EMERALD HILLS RANCH"

TOTAL AREA DEDICATED:  
0.754 ACRES  
32,833 SQ. FT.



## LEGEND



RIGHT OF WAY DEDICATION



EASEMENT FOR  
WATERLINE DEDICATION



EASEMENT FOR NON-MOTORIZED ACCESS



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-21-18  
SHEET 1 OF 1



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# EXHIBIT A

## LEGAL DESCRIPTION

### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

A release of the right of way for roadway and public utility purposes reserved in Docket 5405, Page 76, records of Maricopa County, Arizona, being more particularly described as follows;

The South 13.00 feet of the North 33.00 feet and the South 33.00 feet and the West 33.00 feet of Bureau of Land Management Lot 41 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion of the North 20.00 feet of said Lot 41;

and

EXCEPT any portion of the East 35.00 feet of said Lot 41.

Comprising 0.86 acres or 37,483 square feet, subject to all easements of record.



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



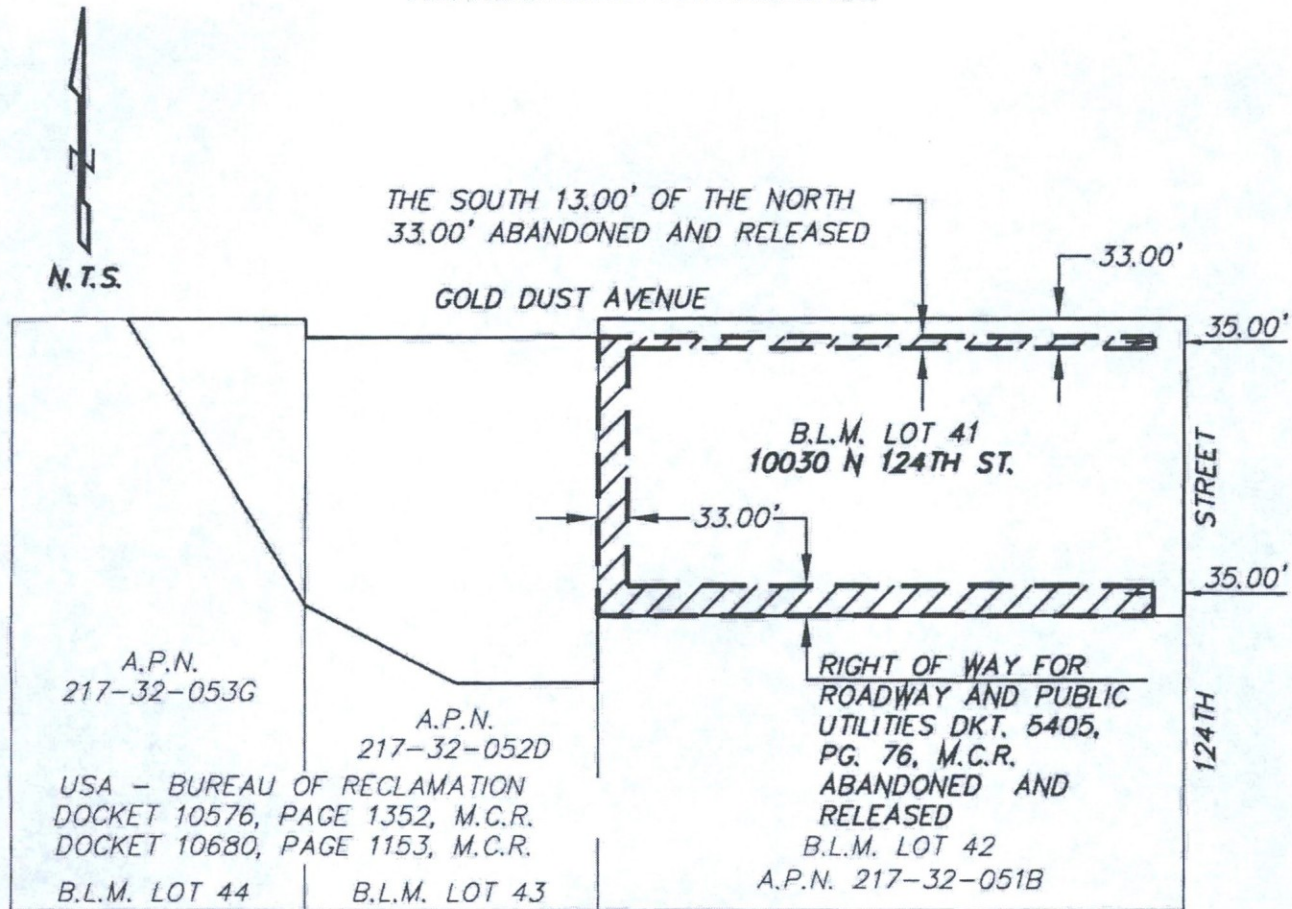
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# EXHIBIT B

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



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## EXHIBIT C

### LEGAL DESCRIPTION

#### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

A release of a portion of the right of way for roadway and public utility purposes reserved in Docket 1399, Page 131, records of Maricopa County, Arizona, being located in a portion of Bureau of Land Management Lot 43, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as the following two parcels;

##### PARCEL 1:

COMMENCING at the Southwest corner of said Lot 43, which bears South 00 degrees 00 minutes 50 seconds West 660.06 feet from the Northwest corner of said Lot 43;

Thence along the West line of said Lot 43, North 00 degrees 00 minutes 50 seconds East 341.70 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona said point being the POINT OF BEGINNING;

Thence continuing along the West line of said Lot 43, North 00 degrees 00 minutes 50 seconds East 268.36 feet to the beginning of a non-tangent curve to the left, the center of which bears North 00 degrees 00 minutes 50 seconds East 50.00 feet;

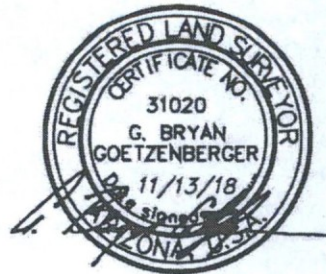
Thence along said non-tangent curve to the left, through a central angle of 41 degrees 18 minutes 00 seconds, an arc length of 36.04' to a point on a line 33.00 feet East of and parallel with the West line of said Lot 43 ;

Thence along said parallel line, South 00 degrees 00 minutes 50 seconds West 297.69 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona;

Thence along said North line, North 62 degrees 52 minutes 19 seconds West 37.07 feet to the POINT OF BEGINNING.

Comprising 0.21 acres, or 9,264 square feet,  
subject to all easements of record.

PARCEL 2 CONTINUED ON NEXT PAGE



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 3



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# EXHIBIT C

## LEGAL DESCRIPTION RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

### PARCEL 2:

COMMENCING at the Northwest corner of Bureau of Land Management Lot 41, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona of which bears North 00 degrees 00 minutes 53 seconds West 330.14 feet from the Southwest corner of said Lot 41;

Thence South 00 degrees 00 minutes 53 seconds East 20.00 feet to a point on a line 20.00 feet South of and parallel with the North line of said Lot 43, said point being the POINT OF BEGINNING ;

Thence along the West line of said Lot 41, South 00 degrees 00 minutes 53 seconds East 310.14 feet to the Southwest corner of said Lot 41 ;

Thence along the West line of Bureau of Land Management Lot 42, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, South 00 degrees 04 minutes 24 seconds East 75.02 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona;

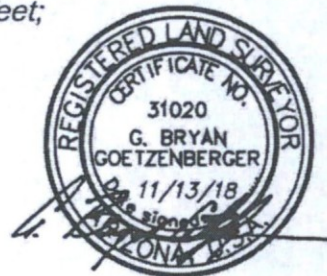
Thence along said North line, South 89 degrees 58 minutes 34 seconds West 33.00 feet to a point on a line 33.00 feet West of and parallel with the West line of said Lot 42 ;

Thence along said parallel line, North 00 degrees 04 minutes 24 seconds West 75.01 feet to a point on a line 33.00 feet West of and parallel with the West line of said Lot 41;

Thence along said parallel line, North 00 degrees 00 minutes 53 seconds West 297.16 feet to a point on a line 33.00 feet South of and parallel with the North line of said Lot 43;

Thence along said parallel line, South 89 degrees 59 minutes 13 seconds West 258.59 feet to the beginning of a non-tangent curve to the left, the center of which bears North 48 degrees 42 minutes 47 seconds West 50.00 feet;

PARCEL 2 CONTINUED ON NEXT PAGE



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 2 OF 3



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## EXHIBIT C

### LEGAL DESCRIPTION

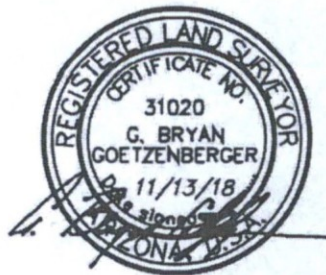
#### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

Thence along said non-tangent curve to the left, through a central angle of 10 degrees 13 minutes 37 seconds, an arc length of 8.92 feet to the beginning of a tangent reverse curve with a radius of 12.00 feet;

Thence along said tangent reverse curve to the right, through a central angle of 58 degrees 55 minutes 37 seconds, an arc length of 12.34 feet to a point on a line 20.00 feet South of and parallel with the North line of said Lot 43;

Thence along said parallel line, North 89 degrees 59 minutes 13 seconds East 276.05 feet to the POINT OF BEGINNING.

Comprising 0.37 acres, or 16,004 square feet, subject to all easements of record.



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 3 OF 3



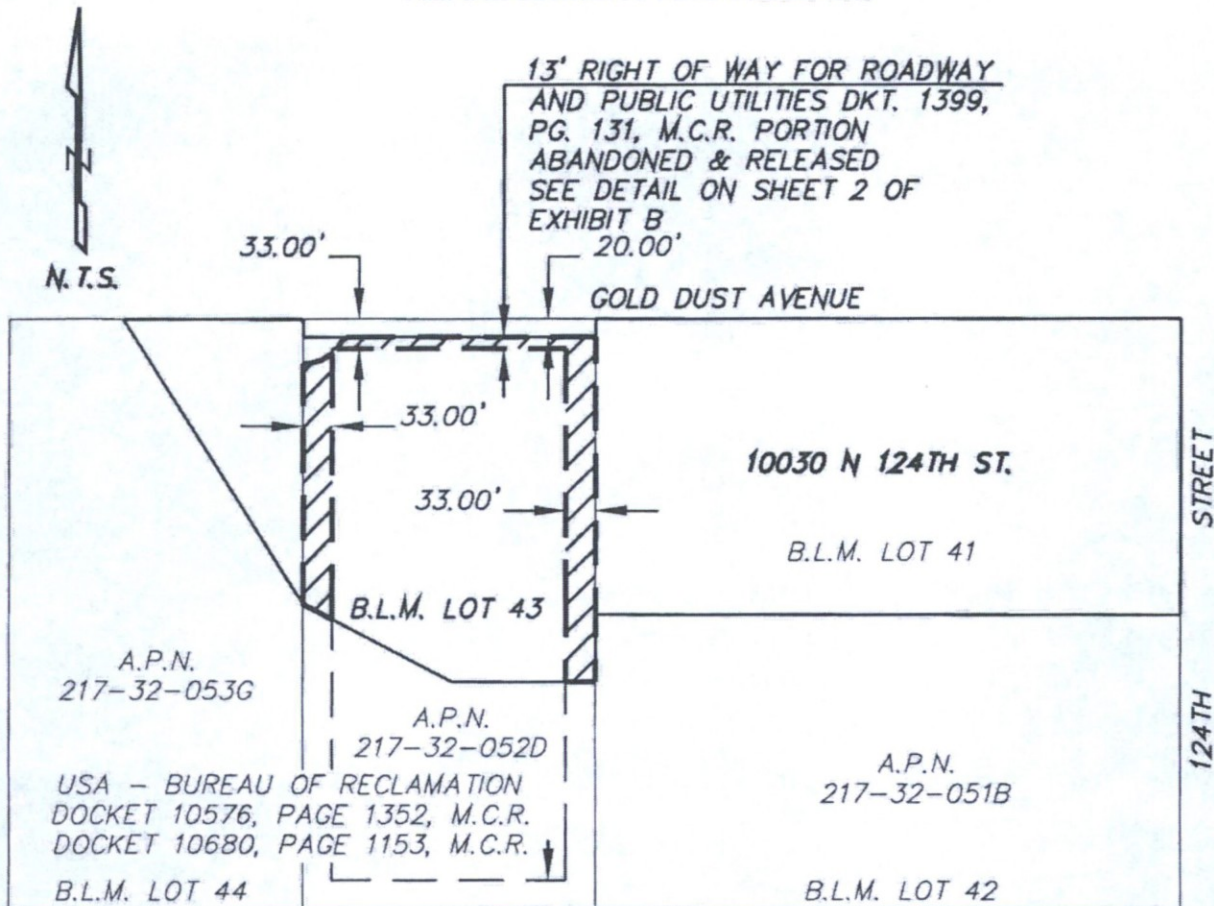
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# EXHIBIT D

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



RIGHT OF WAY FOR  
ROADWAY AND PUBLIC  
UTILITIES DKT. 1399,  
PG. 131, M.C.R.



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 2



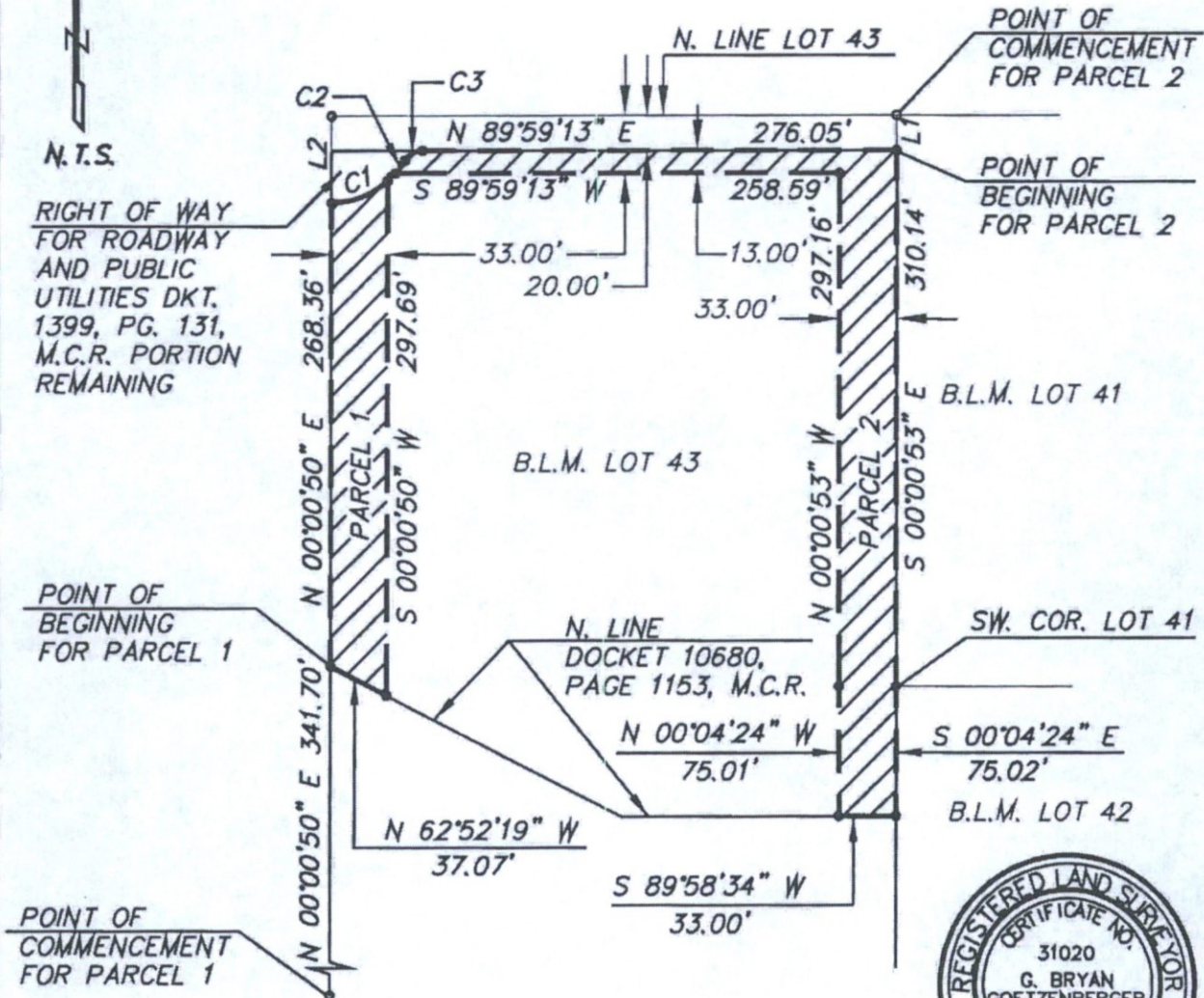
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# EXHIBIT D

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



LINE	BEARING	DISTANCE
L1	N 00°00'53" W	20.00'
L2	N 00°00'50" E	50.00'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	36.04'	41°18'00"	N 69°21'50" E	35.27'
C2	50.00'	8.92'	10°13'37"	N 36°10'24" E	8.91'
C3	12.00'	12.34'	58°55'37"	N 60°31'25" E	11.80'

JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 2 OF 2



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SUITE 104 FAX (623) 972-1618  
GLENDALE, AZ 85308



**EXHIBIT E**  
**LEGAL DESCRIPTION**  
**EASEMENT FOR HIGHWAY PURPOSES**  
**ABANDONMENT AND RELEASE**

*A portion of the easement for highway purposes recorded in Docket 7376, Page 646, records of Maricopa County, Arizona, being more particularly described as follows;*

*The East 25.00 feet of Bureau of Land Management Lot 43 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;*

*EXCEPT the North 20.00 feet of said Lot 43;*

*and*

*EXCEPT that portion of said Lot 43 described in Docket 10680, Page 1153, records of Maricopa County, Arizona.*

*Comprising 0.22 acres or 9,629 square feet, subject to all easements of record.*



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



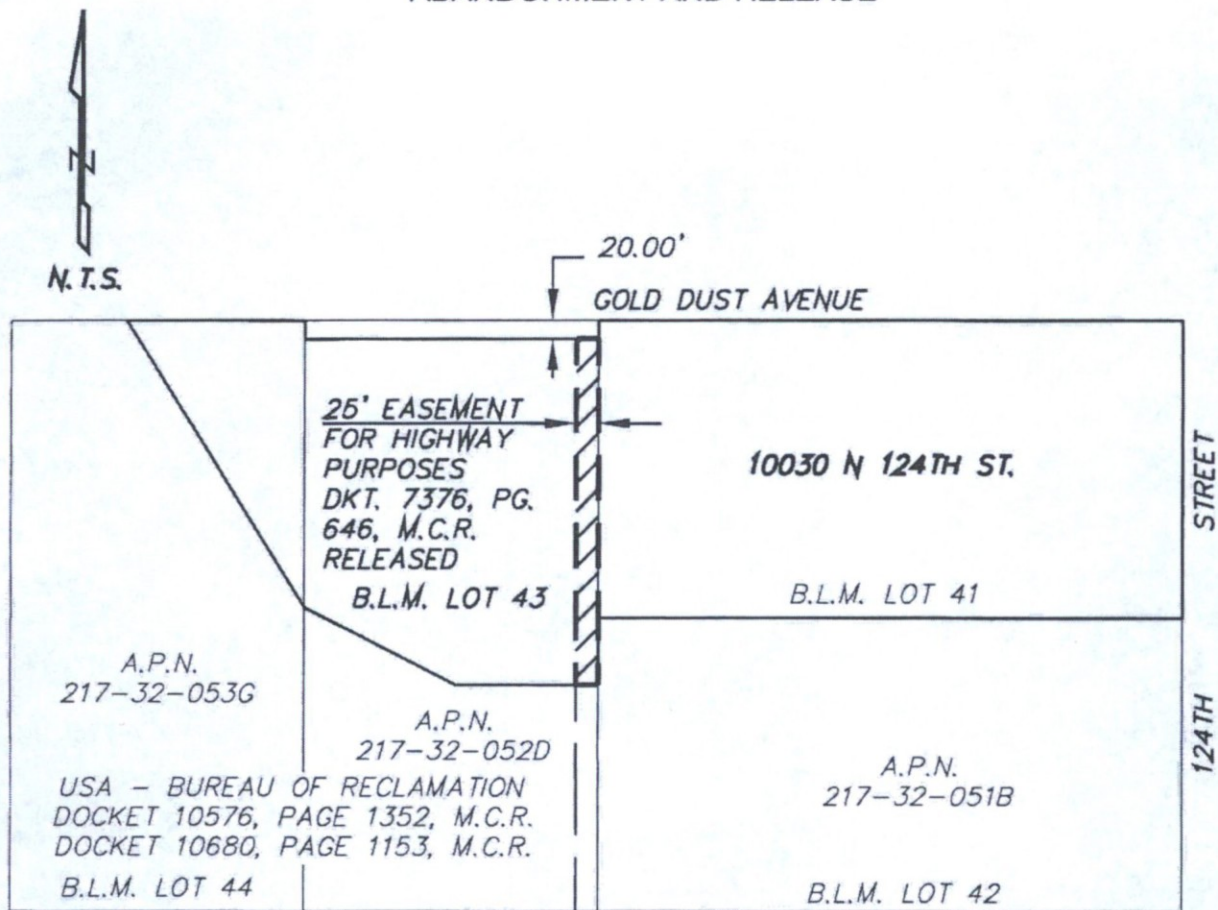
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GLENDALE, AZ 85303



# EXHIBIT F

## EASEMENT FOR HIGHWAY PURPOSES ABANDONMENT AND RELEASE



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



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GLENDALE, AZ 85308



## EXHIBIT G

### LEGAL DESCRIPTION RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

A release of a portion of the right of way for roadway and public utility purposes reserved in Docket 10514, Page 1008, records of Maricopa County, Arizona, said released area being more particularly described as follows;

The North 33.00 feet and the East 33.00 feet of Bureau of Land Management Lot 44 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that portion of said Lot 44 being more particularly described as follows;

BEGINNING at the Northeast corner of said Lot 44 which bears, North 89 degrees 59 minutes 13 seconds East 329.95 feet from the Northwest corner of said Lot 44;

Thence along the North line of said Lot 44, South 89 degrees 59 minutes 13 seconds West 50.00 feet to the beginning of a non-tangent curve to the left the center of which bears North 89 degrees 59 minutes 13 seconds East 50.00 feet;

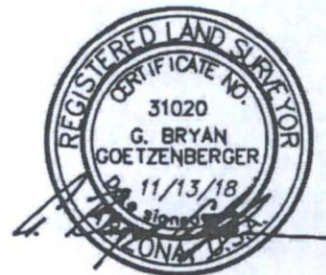
Thence along said non-tangent curve to the left through a central angle of 89 degrees 58 minutes 23 seconds, an arc length of 78.52 feet to a point on the East line of said Lot 44;

Thence along the East line of said Lot 44, North 00 degrees 00 minutes 50 seconds East 50.00 feet to the POINT OF BEGINNING;

and

EXCEPT that portion of said Lot 44 described in Docket 10576, Page 1352, records of Maricopa County, Arizona.

Comprising 0.30 acres or 12,889 square feet,  
subject to all easements of record.



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



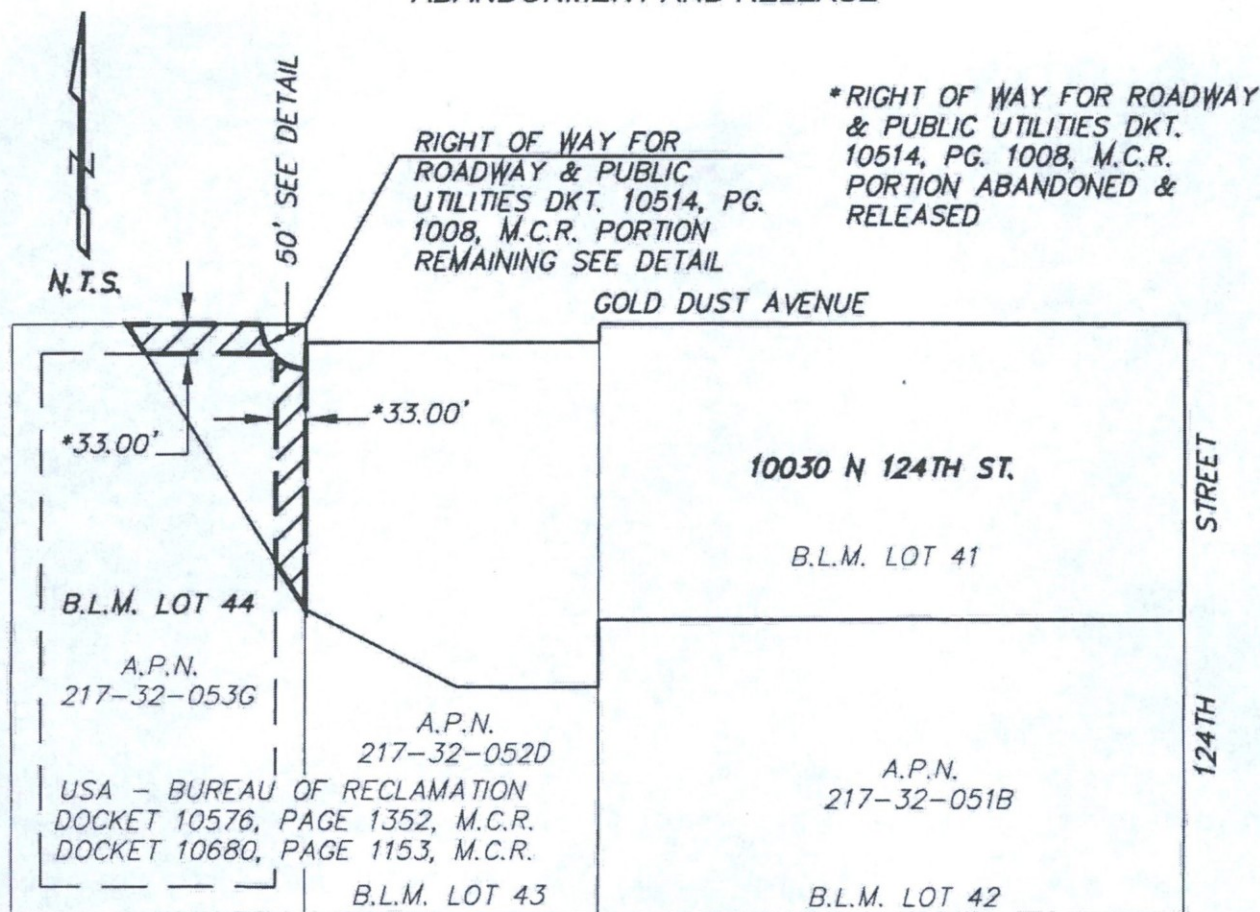
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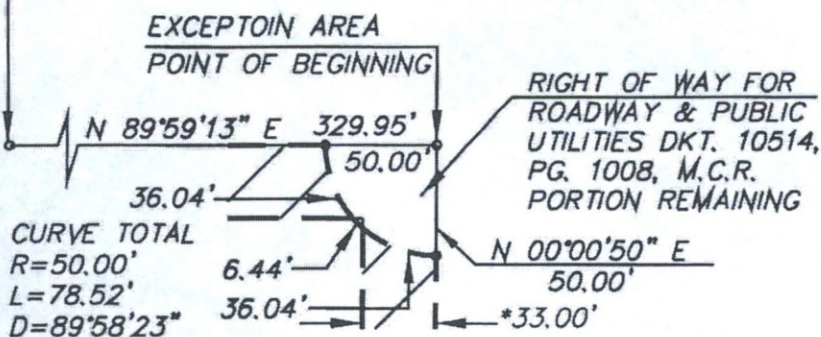


# EXHIBIT H

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



NW. COR LOT 44



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1

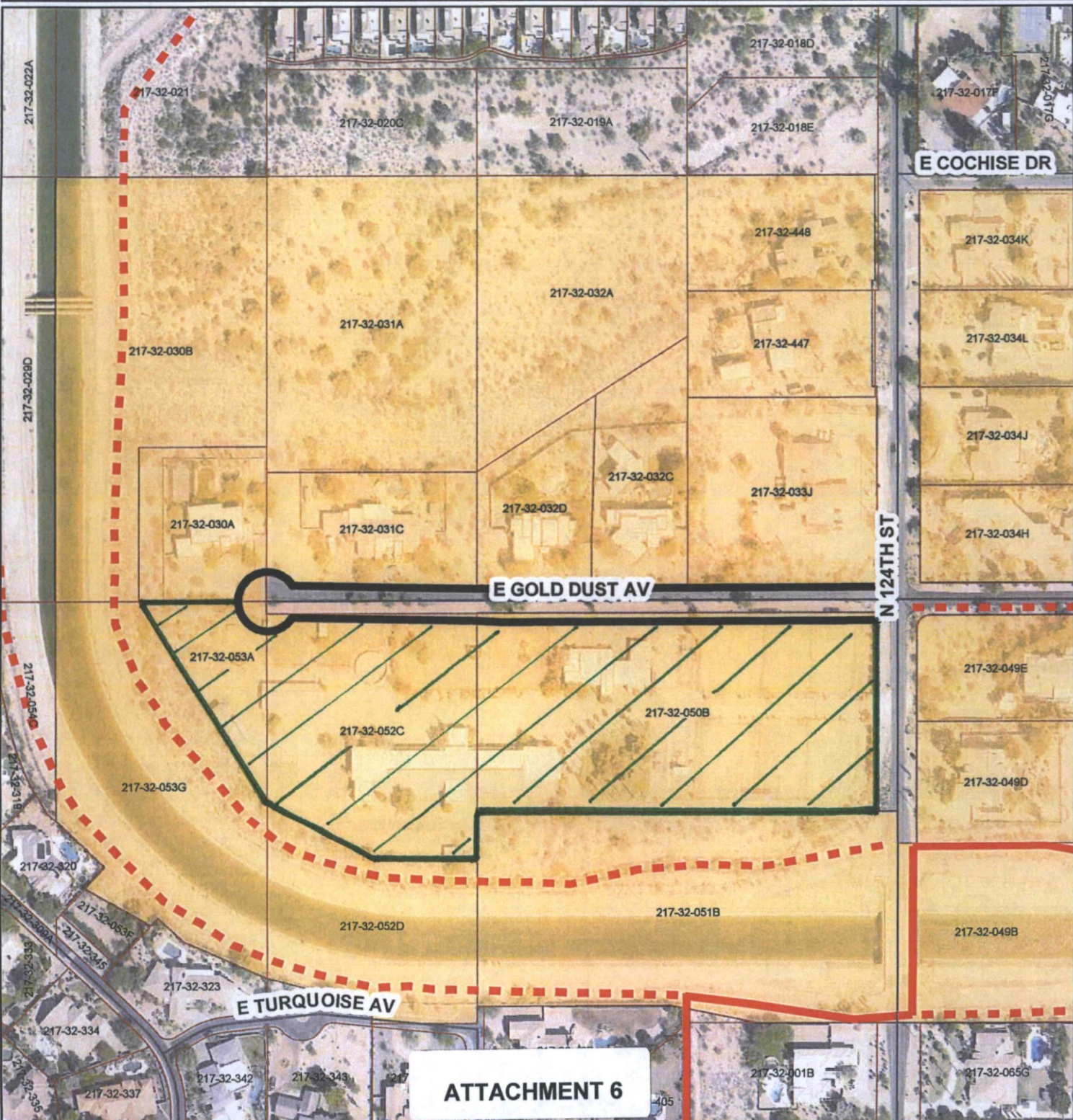


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## ***East Shea Area 3*** **Local Area Infrastructure Plan**



Legend:

- Parcels
- City Boundary
- Existing Trail
- Preserve
- Planned Trail
- Proposed Street
- Water/Sewer ROW

Scale: 0 to 350 Feet

North Arrow

Notice: This document is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, completeness, or suitability for any particular purpose. It should not be relied upon without field verification.

Document Path: V:\Transportation\TransportationWorkgroups\TransportationGIS\LAIPS\East Shea\LAIPS\_EastShea3\_10-2-2018\_r.mxd



CITY OF  
**SCOTTSDALE**

Last updated 10/2/2018



**Additional Notifications:**

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

**Map Legend:**

- Site Boundary
- Properties within 750-feet

**Postcards: 159**

**16-AB-2018**



# CITY COUNCIL REPORT



Meeting Date: March 5, 2019  
 General Plan Element: *Land Use*  
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### **Emerald Hills Ranch Abandonment 16-AB-2018**

#### **Request to consider the following:**

1. Adopt Resolution No. 11369 to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124th Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124th Street.

#### **Goal/Purpose of Request**

This request is to abandon the Government Land Office (GLO) easements on 3 parcels (APN's 217-32-050A, 217-32-052C, and 217-32-053A) that make up a +/- 7.9-acre site located at the southwest corner of E. Gold Dust Avenue and N. 124th Street, consistent with the city's Transportation Master Plan and East Shea Local Area Infrastructure Plan. The proposed abandonments will resolve existing conflicts with the GLOs and the site improvements.

#### **Key Items for Consideration**

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on January 23, 2019 and recommended approval with a 6-0 vote.

#### **OWNER**

Emerald Hills Ranch, Inc.  
 (602) 256-4422

#### **APPLICANT CONTACT**

Stephen W. Anderson  
 Gammage & Burnham, PLC  
 (602) 256-4422





## LOCATION

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10030 N. 124<sup>th</sup> Street

## BACKGROUND

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### General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. Within Rural Neighborhoods, equestrian uses and privileges may exist in the flatter areas as many lots are large enough for horses and several existing developments permit horse corrals.

### Character Area Plan

The Shea Area Character Area Plan designates the property as Residential, consistent with the Rural Neighborhoods General Plan designation and the Single-family Residential zoning designation.

### Zoning

The site is zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL). The R1-43 zoning district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities. The purpose of the ESL zoning overlay district is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development of such lands.

### Context

The subject property is located at the southwest corner of E. Gold Dust Avenue and N. 124<sup>th</sup> Street. The site is generally surrounded by single-family residents and is immediately abutting United States Bureau of Reclamation land and the CAP canal to the west and south.

The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-050A was dedicated in March 1954, through patent serial number 1143415. The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-052C was dedicated in April 1954, through patent serial number 1144060. The subject 33-foot General Land Office Patent Easement (GLO) located on APN 217-32-053A was dedicated in March 1954, through patent serial number 1143510. The subject GLO roadway easements were reserved on the original patent deed to assure legal access.

### General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33-foot (or sometimes 50-foot) roadway and public utility easements typically “as near as practicable to the exterior boundaries.”



- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

**Related Policies, References:**

2008 Scottsdale Transportation Master Plan

East Shea Area 3: Local Area Infrastructure Plan (LAIP)

**IMPACT ANALYSIS**

---

**Land Use**

The existing use of the 7.9-acre site (comprised of 3 parcels being tied together) is a Ranch, which requires a minimum of 5-acres and a Conditional Use Permit within the R1-43 zoning. The site does not currently have a Conditional Use permit for operating as a Ranch but is considered legal non-conforming under Section 1.1300 of the Zoning Ordinance. Although not currently proposed, any future alterations to the site beyond those allowed in Section 1.1300 will require the site to be brought into compliance with the Ranch Conditional Use Permit criteria and applicable regulations of the ESL Section 6.1010.

**Traffic/Trails**

Primary access to the site is currently provided by N. 124<sup>th</sup> Street. Right-of-Way (ROW) for E. Gold Dust Avenue and N. 124<sup>th</sup> Street is being rededicated in-fee to the City as part of an associated application to tie the 3 parcels together, including the additional dedication of the remaining portion of cul-de-sac at the west end of E. Gold Dust Avenue and a 25-foot wide Public Non-Motorized Access Easement (PNMAE) continuing west to tie into the public trails system running along the canal bank.



### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing and newly dedicated public right-of-way along E. Gold Dust Avenue and N. 124<sup>th</sup> Street. No impacts are anticipated.

### **Public Utilities**

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

### **Open Space**

Although not currently proposed, any future alterations to the site beyond those allowed in Section 1.1300 will require the site to be brought into compliance with the Ranch Conditional Use Permit criteria and applicable regulations of the ESL Section 6.1010 including Natural Area Open Space (NAOS), buffers, and setbacks.

### **Community Involvement**

The applicant and the City notified property owners located within 750-feet of the proposed abandonments. As of the writing of this report staff has received some general inquiry phone calls, but no written comments have been received.

### **Community Impact**

The proposed abandonments do not restrict or remove access to any surrounding properties. The necessary right-of-way dedications are proposed to be provided and/or are currently in place in the immediate area. The property owner will pay \$3,507.80 as compensation for the abandonment areas.

## **OTHER BOARDS AND COMMISSIONS**

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### **Planning Commission:**

Planning Commission heard this case on January 23, 2019 and recommended approval with a 6-0 vote.

### **Staff's recommendation to Planning Commission:**

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124<sup>th</sup> Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124<sup>th</sup> Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner reserve and dedicate a 20-foot wide half-street right-of-way for E. Gold Dust Avenue, the remaining portion of right-of-way for a 50-foot radius cul-de-sac at the termination of E. Gold Dust Avenue, and a 25-foot wide Public Non-Motorized Access Easement (PNMAE) continuing west from the cul-de-sac to tie into the public trails system running along the canal bank.



2. The property owner reserve and dedicate a 35-foot wide half-street right-of-way for N. 124<sup>th</sup> Street.
3. The property owner pays to the city an amount to be determined as compensation for the abandonment areas.

## **RECOMMENDATION**

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### **Recommended Approach:**

Adopt Resolution No. 11369 to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124th Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124th Street.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Jeff Barnes

Senior Planner

480-312-2376

E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)



**APPROVED BY**


---

  
\_\_\_\_\_  
Jeff Barnes, Report Author

2/6/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

2/13/2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

2/16/19  
\_\_\_\_\_  
Date



## **ATTACHMENTS**

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1. Context Aerial
2. Aerial Close-Up
3. Resolution No. 11369
4. Applicant's Narrative
5. Compensation Analysis
6. Local Area Infrastructure Plan (LAIP)
7. City Notification Map
8. Planning Commission Meeting Minutes of January 23, 2019

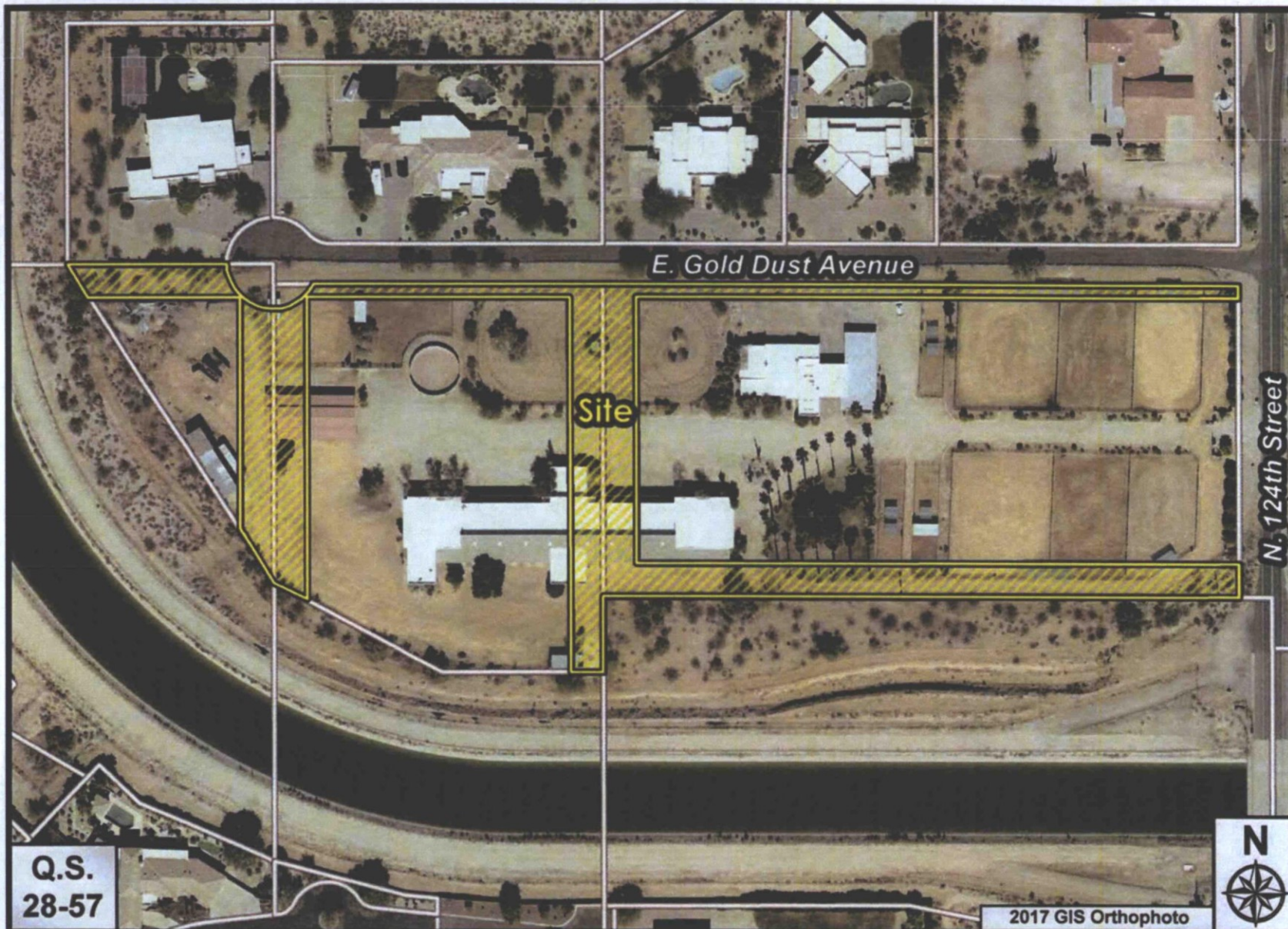




**Emerald Hills Ranch Abandonment**

**16-AB-2018**





**Emerald Hills Ranch Abandonment**

**16-AB-2018**



## RESOLUTION NO. 11369

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR PARCELS SOUTH OF THE SOUTHWEST CORNER OF NORTH 124<sup>TH</sup> STREET AND EAST GOLD DUST AVENUE

(16-AB-2018)  
(Emerald Hills Ranch)

### WHEREAS:

A. A.R.S. Sec. 28-7201, et seq., and A.R.S. §9-500.24 provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

B. Scottsdale Revised Code §2-221 and other applicable laws provide that the City may dispose of other real property interests.

C. After notice to the public, the City of Scottsdale ("City") City's planning commission and City Council have held hearings on the proposed abandonment of a certain portion of the street right-of-way and other interests (collectively the "Abandonment Right-of-way").

D. The Abandonment Rights-of-way are described on **Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", and Exhibit "H"** attached hereto.

E. The Abandonment Right-of-way falls within, serves, affects or is near the parcels at 10030 N 124<sup>th</sup> Street (APN 217-32-050B, APN 217-32-052C, and APN 217-32-053A) comprising a total of approximately 7.9 acres as described on **Exhibit "I"** attached hereto.

F. The Abandonment Right-of-way lies within the area of a General Land Office (GLO) easement created by patent reservation.

G. City's city council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

H. City's city council has considered the City expenditure, if any, authorized by this resolution and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure, if any, and that City will receive direct consideration substantially equal to its expenditure.



I. City's city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.

2. Reservations. City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 Any and all interests in the Abandonment Right-of-way that any related application, zoning case, plat, lot split, use permit, or other land use regulatory process or requirements may require to be dedicated to City.

2.2 Any of the following in favor of City that may already have been imposed on the Abandonment Right-of-way prior to this resolution, if any:

2.2.1 Any V.N.A.E. or other vehicular non-access easement or covenant.

2.2.2 Any N.A.O.S. or other open space or similar easement or covenant.

2.2.3 Any scenic corridor, setback or similar easement or covenant.

2.3 An easement for all existing utilities, if any.

2.4 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

3. Effective Date. This resolution shall not be recorded or become effective until all of the following conditions (the "Conditions") are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 The Owner shall pay to City the amount of Three Thousand Five Hundred Seven and 80/100 Dollars (\$3,507.80) as compensation to City for the Abandonment Right-of-way, in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City.

3.2 The zoning administrator executes the certificate at the bottom of this resolution indicating that the Conditions have been satisfied.

4. Administration of Conditions. If the foregoing Conditions are not all satisfied prior to the second annual anniversary of this resolution, or if this resolution is not recorded prior to that deadline, then the city clerk shall mark this resolution to indicate that this resolution is void.



5. Exhibit Labeling. The text of this resolution controls any conflict with the exhibits as to the nature of the interests created, reserved or otherwise affected by this resolution. For example, if the text of this resolution indicates that City is reserving a particular type of easement, but the exhibit text or labels indicate a different type of real estate interest, then the text controls.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF SCOTTSDALE, an Arizona municipal corporation

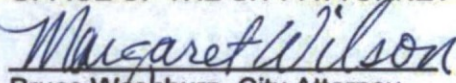
\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Bruce Washburn, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

**CERTIFICATE**

I am the zoning administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in paragraph 3 of the abandonment resolution above have been fulfilled and the resolution is ready to be recorded and become effective.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
name printed



**Table of Exhibits**

<u>Exhibit</u>	<u>Paragraph</u>	<u>Description</u>
A	D	Legal description of street right-of-way to be abandoned
B	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	D	Legal description of street right-of-way to be abandoned
D	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
E	D	Legal description of street right-of-way to be abandoned
F	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
G	D	Legal description of street right-of-way to be abandoned
H	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
I	E	Depiction of parcels served by abandonment



# EXHIBIT A

## LEGAL DESCRIPTION

### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

*A release of the right of way for roadway and public utility purposes reserved in Docket 5405, Page 76, records of Maricopa County, Arizona, being more particularly described as follows;*

*The South 13.00 feet of the North 33.00 feet and the South 33.00 feet and the West 33.00 feet of Bureau of Land Management Lot 41 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;*

*EXCEPT any portion of the North 20.00 feet of said Lot 41;*

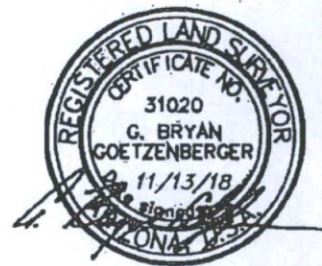
*and*

*EXCEPT any portion of the East 35.00 feet of said Lot 41.*

*Comprising 0.86 acres or 37,483 square feet, subject to all easements of record.*

Resolution No. 11369

Page 1 of 1



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



**STATEWIDE SERVICE IN ARIZONA**

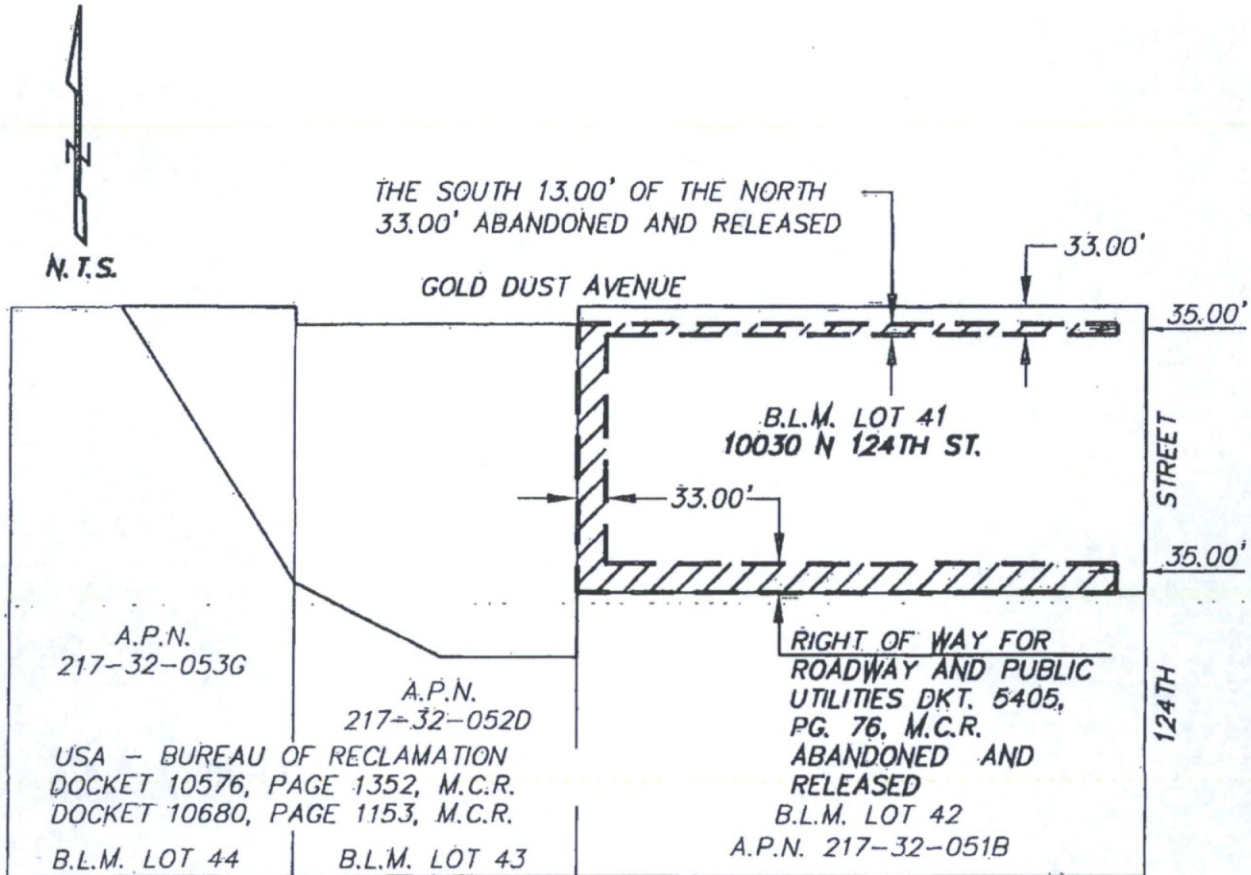
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GLENDALE, AZ 85308

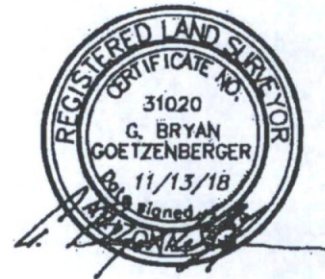


## EXHIBIT B

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



Resolution No. 11369  
Page 1 of 1



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



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## EXHIBIT C

### LEGAL DESCRIPTION

#### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

A release of a portion of the right of way for roadway and public utility purposes reserved in Docket 1399, Page 131, records of Maricopa County, Arizona, being located in a portion of Bureau of Land Management Lot 43, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as the following two parcels;

#### PARCEL 1:

COMMENCING at the Southwest corner of said Lot 43, which bears South 00 degrees 00 minutes 50 seconds West 660.06 feet from the Northwest corner of said Lot 43;

Thence along the West line of said Lot 43, North 00 degrees 00 minutes 50 seconds East 341.70 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona said point being the POINT OF BEGINNING;

Thence continuing along the West line of said Lot 43, North 00 degrees 00 minutes 50 seconds East 268.36 feet to the beginning of a non-tangent curve to the left, the center of which bears North 00 degrees 00 minutes 50 seconds East 50.00 feet;

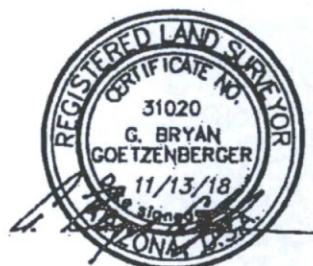
Thence along said non-tangent curve to the left, through a central angle of 41 degrees 18 minutes 00 seconds, an arc length of 36.04' to a point on a line 33.00 feet East of and parallel with the West line of said Lot 43;

Thence along said parallel line, South 00 degrees 00 minutes 50 seconds West 297.69 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona;

Thence along said North line, North 62 degrees 52 minutes 19 seconds West 37.07 feet to the POINT OF BEGINNING.

Comprising 0.21 acres, or 9,264 square feet,  
subject to all easements of record.

PARCEL 2 CONTINUED ON NEXT PAGE



Resolution No. 11369  
Page 1 of 3

JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 3



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GLENDALE, AZ 85508



## EXHIBIT C

### LEGAL DESCRIPTION

#### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

##### PARCEL 2:

COMMENCING at the Northwest corner of Bureau of Land Management Lot 41, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona of which bears North 00 degrees 00 minutes 53 seconds West 330.14 feet from the Southwest corner of said Lot 41;

Thence South 00 degrees 00 minutes 53 seconds East 20.00 feet to a point on a line 20.00 feet South of and parallel with the North line of said Lot 43, said point being the POINT OF BEGINNING;

Thence along the West line of said Lot 41, South 00 degrees 00 minutes 53 seconds East 310.14 feet to the Southwest corner of said Lot 41;

Thence along the West line of Bureau of Land Management Lot 42, in the Northwest quarter of Section 26, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, South 00 degrees 04 minutes 24 seconds East 75.02 feet to a point on the North line of that parcel of land described in Docket 10680, Page 1153, records of Maricopa County, Arizona;

Thence along said North line, South 89 degrees 58 minutes 34 seconds West 33.00 feet to a point on a line 33.00 feet West of and parallel with the West line of said Lot 42;

Thence along said parallel line, North 00 degrees 04 minutes 24 seconds West 75.01 feet to a point on a line 33.00 feet West of and parallel with the West line of said Lot 41;

Thence along said parallel line, North 00 degrees 00 minutes 53 seconds West 297.16 feet to a point on a line 33.00 feet South of and parallel with the North line of said Lot 43;

Thence along said parallel line, South 89 degrees 59 minutes 13 seconds West 258.59 feet to the beginning of a non-tangent curve to the left, the center of which bears North 48 degrees 42 minutes 47 seconds West 50.00 feet

PARCEL 2 CONTINUED ON NEXT PAGE

Resolution No. 11369  
Page 2 of 3



JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 2 OF 3



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GLENDALE, AZ 85308



## EXHIBIT C

### LEGAL DESCRIPTION

#### RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

Thence along said non-tangent curve to the left, through a central angle of 10 degrees 13 minutes 37 seconds, an arc length of 8.92 feet to the beginning of a tangent reverse curve with a radius of 12.00 feet;

Thence along said tangent reverse curve to the right, through a central angle of 58 degrees 55 minutes 37 seconds, an arc length of 12.34 feet to a point on a line 20.00 feet South of and parallel with the North line of said Lot 43;

Thence along said parallel line, North 89 degrees 59 minutes 13 seconds East 276.05 feet to the POINT OF BEGINNING.

Comprising 0.37 acres, or 16,004 square feet, subject to all easements of record.



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Page 3 of 3

JOB NO.: 171034  
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TOWNSHIP: 3 NORTH  
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DATE: 11-13-18  
SHEET 3 OF 3



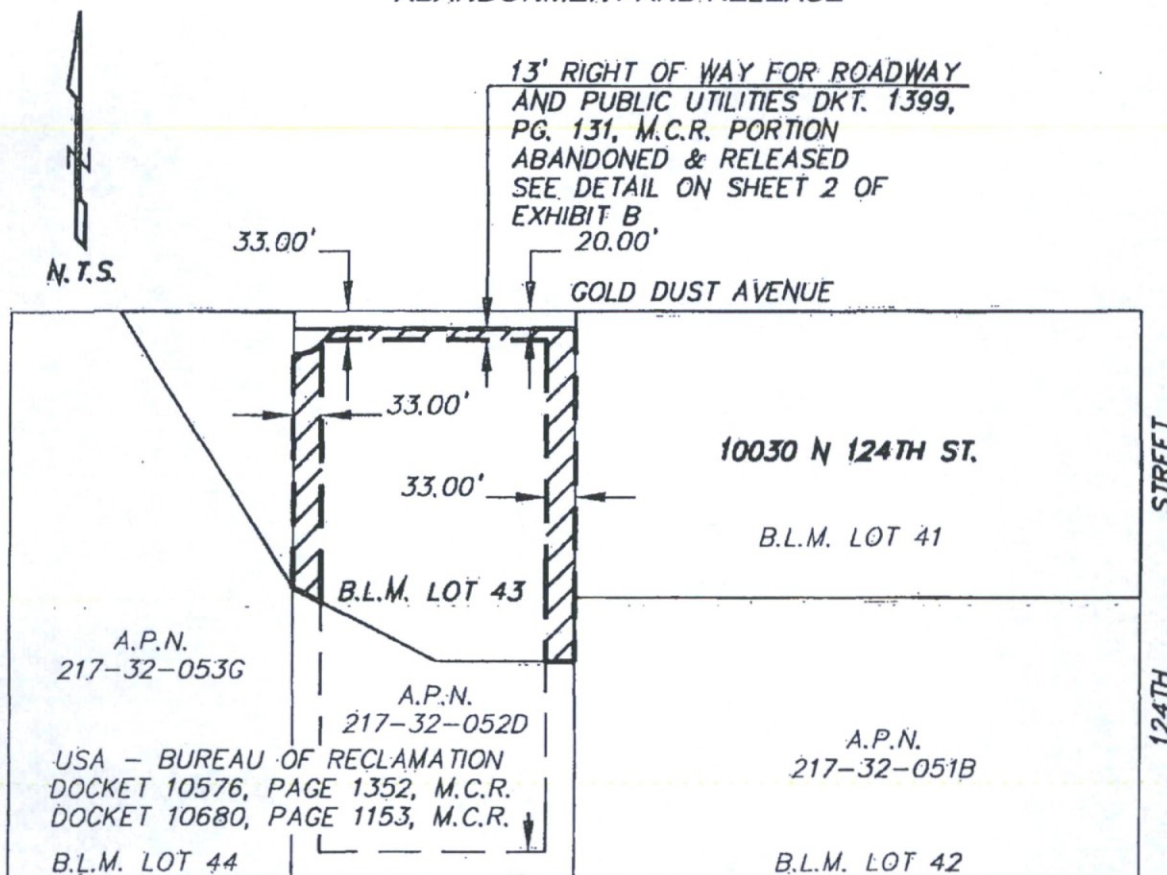
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7000 N. 70th AVENUE TEL (623) 972-2200  
SUITE 104 FAX (623) 972-1818  
GLENDALE, AZ 86308

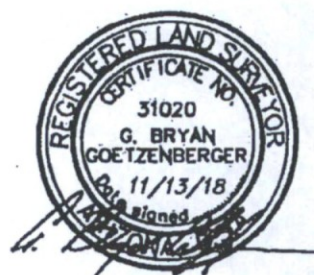


# EXHIBIT D

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



RIGHT OF WAY FOR  
ROADWAY AND PUBLIC  
UTILITIES DKT. 1399,  
PG. 131, M.C.R.



Resolution No. 11369  
Page 1 of 2

JOB NO.: 171034  
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TOWNSHIP: 3 NORTH  
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SHEET 1 OF 2



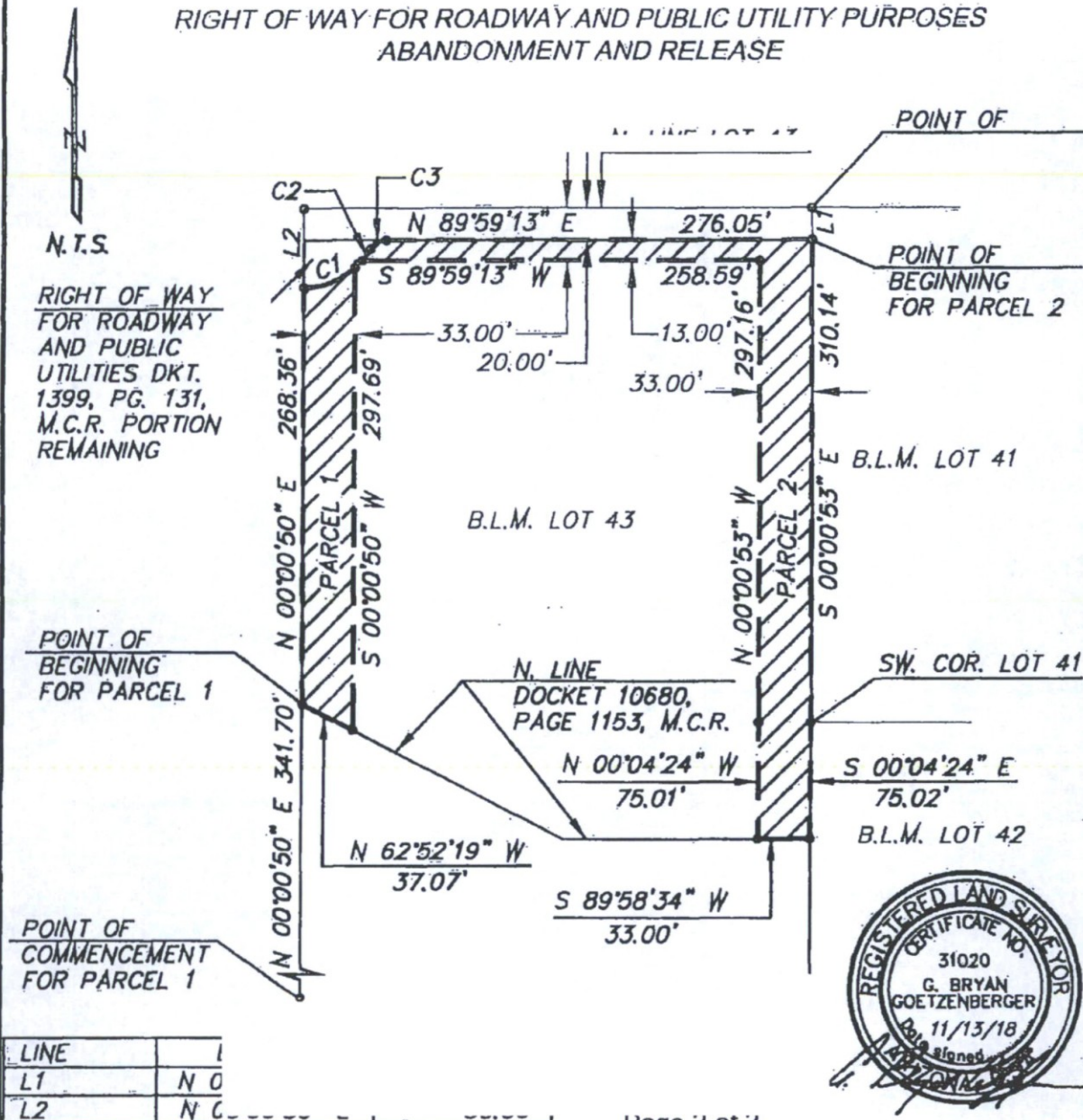
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# EXHIBIT D

RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES  
ABANDONMENT AND RELEASE



LINE	1
L1	N 0
L2	N 0

Page 2 of 2

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	36.04'	41°18'00"	N 69°21'50" E	35.27'
C2	50.00'	8.92'	10°13'37"	N 36°10'24" E	8.91'
C3	12.00'	12.34'	58°55'37"	N 60°31'25" E	11.80'

JOB NO.: 171034  
SECTION: 26  
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RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 2 OF 2



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**EXHIBIT E**  
**LEGAL DESCRIPTION**  
**EASEMENT FOR HIGHWAY PURPOSES**  
**ABANDONMENT AND RELEASE**

*A portion of the easement for highway purposes recorded in Docket 7376, Page 646, records of Maricopa County, Arizona, being more particularly described as follows;*

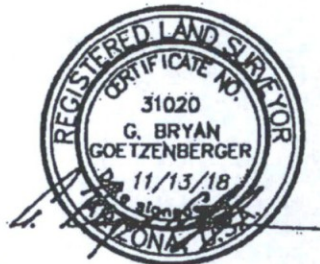
*The East 25.00 feet of Bureau of Land Management Lot 43 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;*

*EXCEPT the North 20.00 feet of said Lot 43;*

*and*

*EXCEPT that portion of said Lot 43 described in Docket 10680, Page 1153, records of Maricopa County, Arizona.*

*Comprising 0.22 acres or 9,629 square feet, subject to all easements of record.*



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Page 1 of 1

JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
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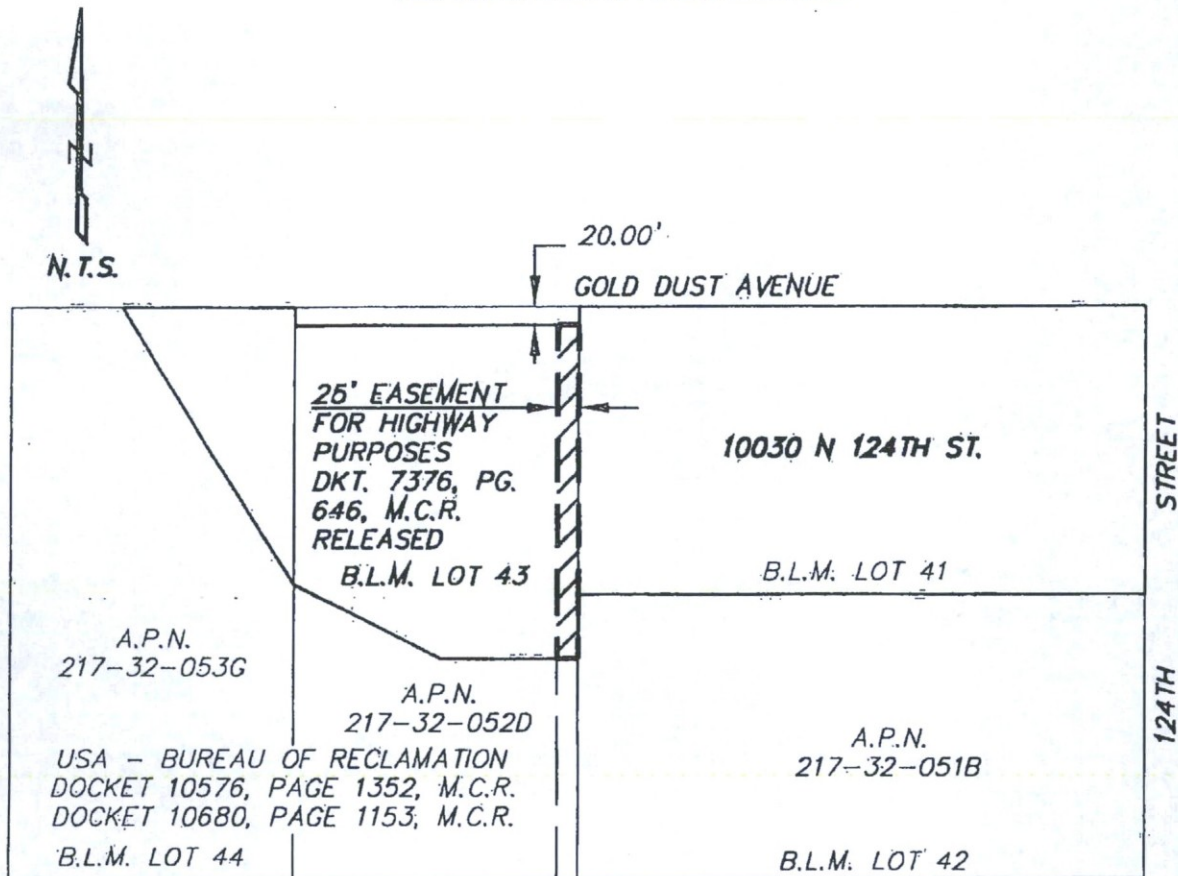
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## EXHIBIT F

### EASEMENT FOR HIGHWAY PURPOSES ABANDONMENT AND RELEASE



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JOB NO.: 171034  
SECTION: 26  
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GLENDALE, AZ 85308



## EXHIBIT G

### LEGAL DESCRIPTION RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE

A release of a portion of the right of way for roadway and public utility purposes reserved in Docket 10514, Page 1008, records of Maricopa County, Arizona, said released area being more particularly described as follows:

The North 33.00 feet and the East 33.00 feet of Bureau of Land Management Lot 44 of Section 26, of Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that portion of said Lot 44 being more particularly described as follows;

BEGINNING at the Northeast corner of said Lot 44 which bears, North 89 degrees 59 minutes 13 seconds East 329.95 feet from the Northwest corner of said Lot 44;

Thence along the North line of said Lot 44, South 89 degrees 59 minutes 13 seconds West 50.00 feet to the beginning of a non-tangent curve to the left the center of which bears North 89 degrees 59 minutes 13 seconds East 50.00 feet;

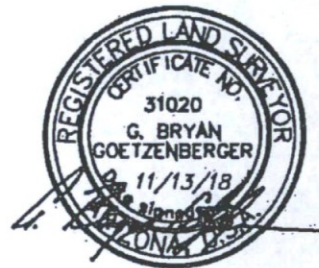
Thence along said non-tangent curve to the left through a central angle of 89 degrees 58 minutes 23 seconds, an arc length of 78.52 feet to a point on the East line of said Lot 44;

Thence along the East line of said Lot 44, North 00 degrees 00 minutes 50 seconds East 50.00 feet to the POINT OF BEGINNING;

and

EXCEPT that portion of said Lot 44 described in Docket 10576, Page 1352, records of Maricopa County, Arizona.

Comprising 0.30 acres or 12,889 square feet,  
subject to all easements of record.



Resolution No. 11369  
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JOB NO.: 171034  
SECTION: 26  
TOWNSHIP: 3 NORTH  
RANGE: 5 EAST  
DATE: 11-13-18  
SHEET 1 OF 1



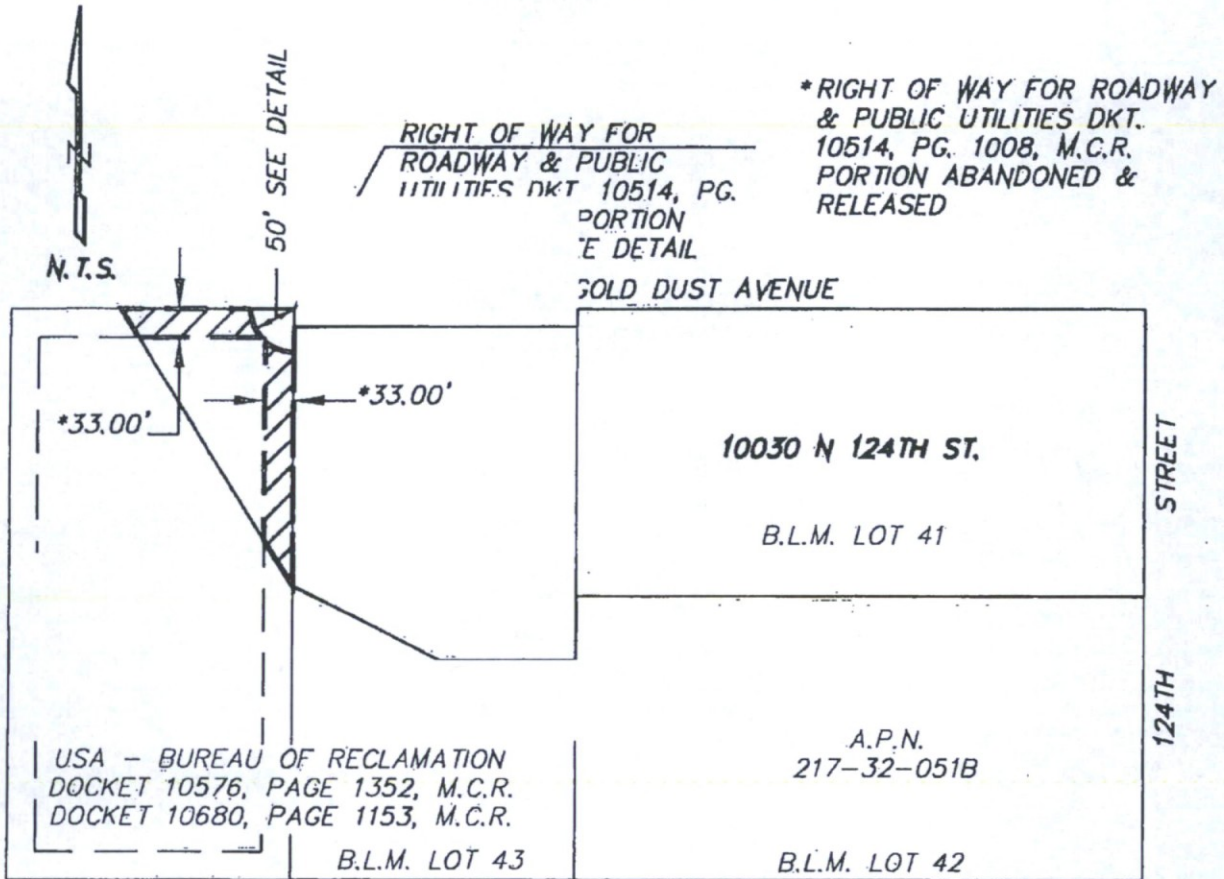
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7000 N. 70th AVENUE TEL (623) 972-2800  
SUITE 104 FAX (623) 972-1616  
GLENDALE, AZ 85308



# EXHIBIT H

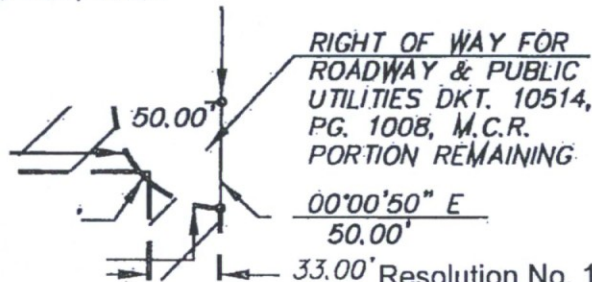
## RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITY PURPOSES ABANDONMENT AND RELEASE



NW. COR LOT 44

EXCEPTIOIN AREA

CUR  
R=5  
L=7  
D=8



Resolution No. 11369  
Page 1 of 1



JOB NO.: 171034  
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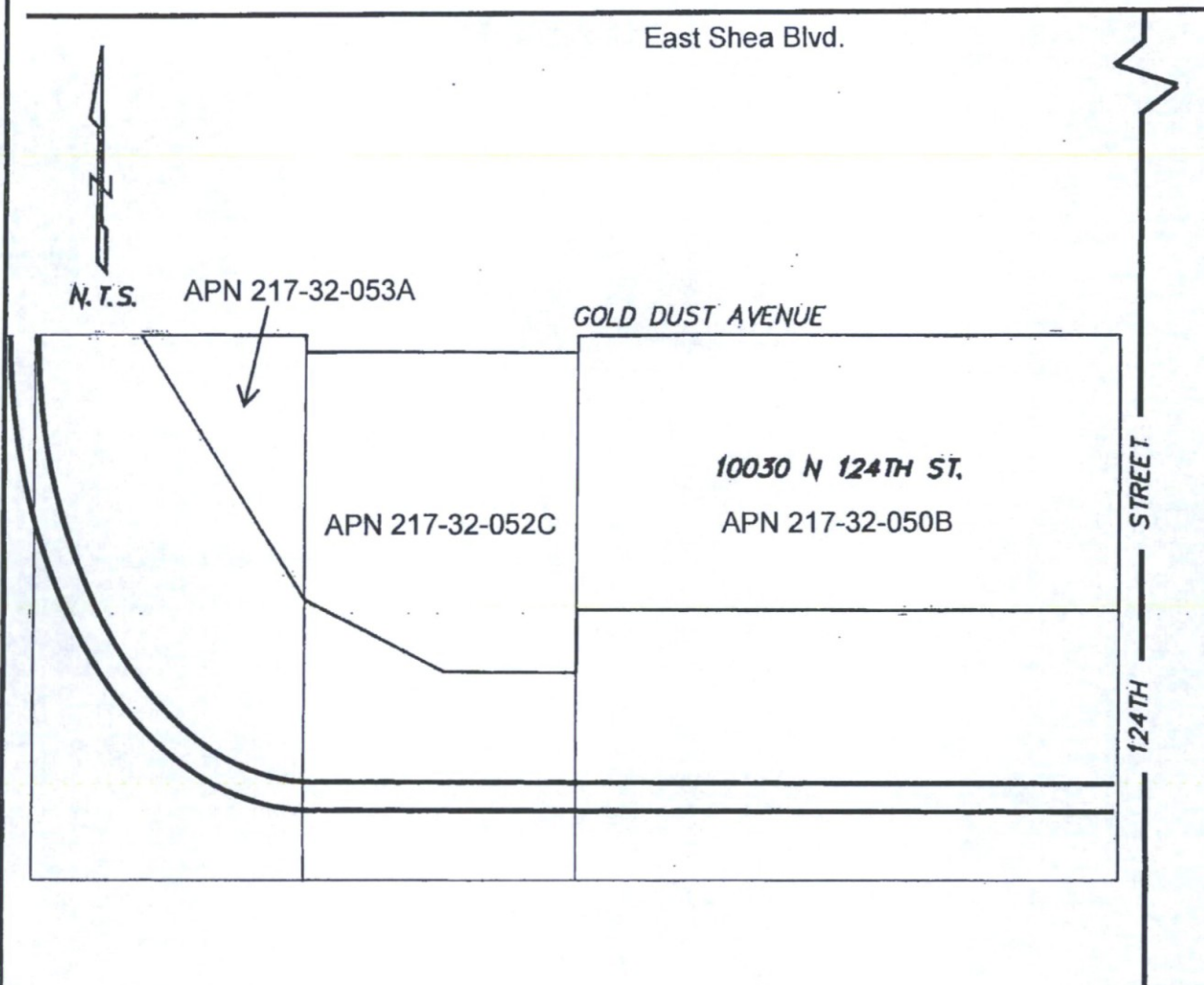


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GLENDALE, AZ 85508



# EXHIBIT I





**SWC N 124<sup>TH</sup> STREET & E GOLD DUST AVENUE**

**1<sup>st</sup> Resubmittal: Abandonment of Easements / Map of Release (Utilities) / Lot Assemblage**

Case No. 5580-18 & 16-AB-2018 – Emerald Hills Ranch, Inc.

December 2018

**PROJECT NARRATIVE**

**Revised December 3, 2018**

This narrative accompanies revised application materials submitted on behalf of Emerald Hills Ranch, Inc. (the "Applicant"). Applications were filed on October 2, 2018, to the City of Scottsdale requesting (1) abandonment of easements (#5580-18), and (2) a lot assemblage (#16-AB-2018).

The City provided their first round of redlines/corrections on October 22, 2018, and a 1<sup>st</sup> Review Comments letter on November 2, 2018. A separate letter is included with this resubmittal that responds to those redlines, corrections, and comments. This narrative has been revised and is submitted to meet the requirement to submit a Revised Project Narrative.

**INTRODUCTION**

The Applicant has requested to abandon GLO and other outdated easements that divide its property located at the southwest corner of N 124<sup>th</sup> Street and E Gold Dust Avenue in the City of Scottsdale (the "Property"). The Property is currently comprised of three separate tax parcels: 217-32-052C; 217-32-053A; and 217-32-050A.

A Pre-Application Meeting was held with City of Scottsdale staff on July 18, 2018, to discuss the proposed abandonments. At that meeting staff indicated that the following applications will be required:

- 1) **Abandonment Application (GLO/Road/Highway Easements);**
- 2) **Releases, Platting & Dedications Maps Application (Map of Release for Utility Easements); and**
- 3) **Releases, Platting & Dedications Maps Applications (Lot/Tie Assemblage and ROW Dedications).**

The Abandonment Application is required for abandonment of all GLO and public right-of-way (ROW) easements. A Releases, Platting & Dedications Maps Application is required to abandon any non-ROW easements (Utilities). And because staff is requiring the Applicant combine the three parcels into one parcel, a Releases, Platting & Dedication Maps Application (Lot/Tie Assemblage) is required. Each of these applications is discussed below.

**ABANDONMENT APPLICATION (GLO/Road/Highway Easements)**

The GLO and ROW easements that enter onto the Property may have been appropriate prior to the development of the adjacent CAP Canal, but the Canal cuts off all access to the south and to the west, thereby eliminating the need for the continued existence of any such easements. The Applicant would now like to abandon these easements.

In eliminating these easements, the Applicant (i) has no intent to impact N 124<sup>th</sup> Street or E Gold Dust Avenue, (ii) is not proposing any improvements to either of these roads, and (iii) is not proposing any improvements to the Property.



**SWC N 124<sup>TH</sup> STREET & E GOLD DUST AVENUE**

**1<sup>st</sup> Resubmittal: Abandonment of Easements / Map of Release (Utilities) / Lot Assemblage**

Case No. 5580-18 & 16-AB-2018 – Emerald Hills Ranch, Inc.

December 2018

These easements are not functional and do not provide any required access for vehicles or utilities. The abandonment of these easements will not impact the current zoning or use of the Property. The Applicant is not proposing to change the physical layout or use of the Property in any manner in conjunction with this abandonment request. The Applicant is simply seeking to eliminate intrusions on the Property that are no longer necessary.

The attached revised Map of Easement Release proposes to abandon four (4) easements associated with Exceptions No. 6 through 9 of the attached Title Commitment. All of the utility purveyors have provided "No Objection" letters for the abandonment of each of these easements.

**RELEASES, PLATTING & DEDICATIONS MAPS APPLICATION (Release of Utility Easements)**

Abandonment of two (2) utility easements is requested as a part of the overall application (Exceptions No. 10 and 11). All utility purveyors have provided "No Objection" letters for the proposed abandonments.

The City requires a new easement, 10-foot either side, for an existing water line adjacent to N 124<sup>th</sup> Street along the eastern Property line. After the required right-of-way dedication for 124<sup>th</sup>, the revised Minor Land Division Plat proposes a new 7-foot easement on the Property to provide the required easement for this water line.

**RELEASES, PLATTING & DEDICATION MAPS APPLICATION (Lot/Tie Assemblage and Dedications)**

The Applicant has filed this application to combine the three existing parcels into one legal tax parcel. The resubmittal application includes a revised Minor Land Division Plat. The City has requested the following public right-of-way dedications: (i) a total of 35 feet along 124<sup>th</sup>, (ii) 20 feet along a portion of Gold Dust, and (iii) the completion (south half) of a 50-foot radius cul-de-sac at the western terminus of Gold Dust.

In addition to the dedication of public rights-of-way, the City has also requested a minimum 25-foot wide public non-motorized access easement from the end of the E Gold Dust Avenue cul-de-sac west toward the CAP canal bank for trail connectivity.

The attached revised Minor Land Division Plat proposes to dedicate the new public rights-of-way, a new 7-foot easement for the existing water line adjacent to 124<sup>th</sup>, and a new 25-foot access easement to the west.

**CONCLUSION**

Abandonment of the outdated easements on the Property is appropriate given that the CAP Canal prohibits any potential for future roadways or utilities to connect to the west or to the south of the Property. All utility purveyors have provided "No Objection" letters. Therefore, there is no need for these easements to continue to exist on the Property.

A revised Compensation Valuation Statement is provided, which calculates the square-foot area of land proposed to be abandoned/released, and the square-foot area of land proposed to be dedicated in order to arrive at a net area of land to be used in calculating the compensation valuation. Per Staff, the value is based on the City's 20 cents per square-foot compensation for residential properties.



## **COMPENSATION VALUATION STATEMENT**

**Revised December 3, 2018**

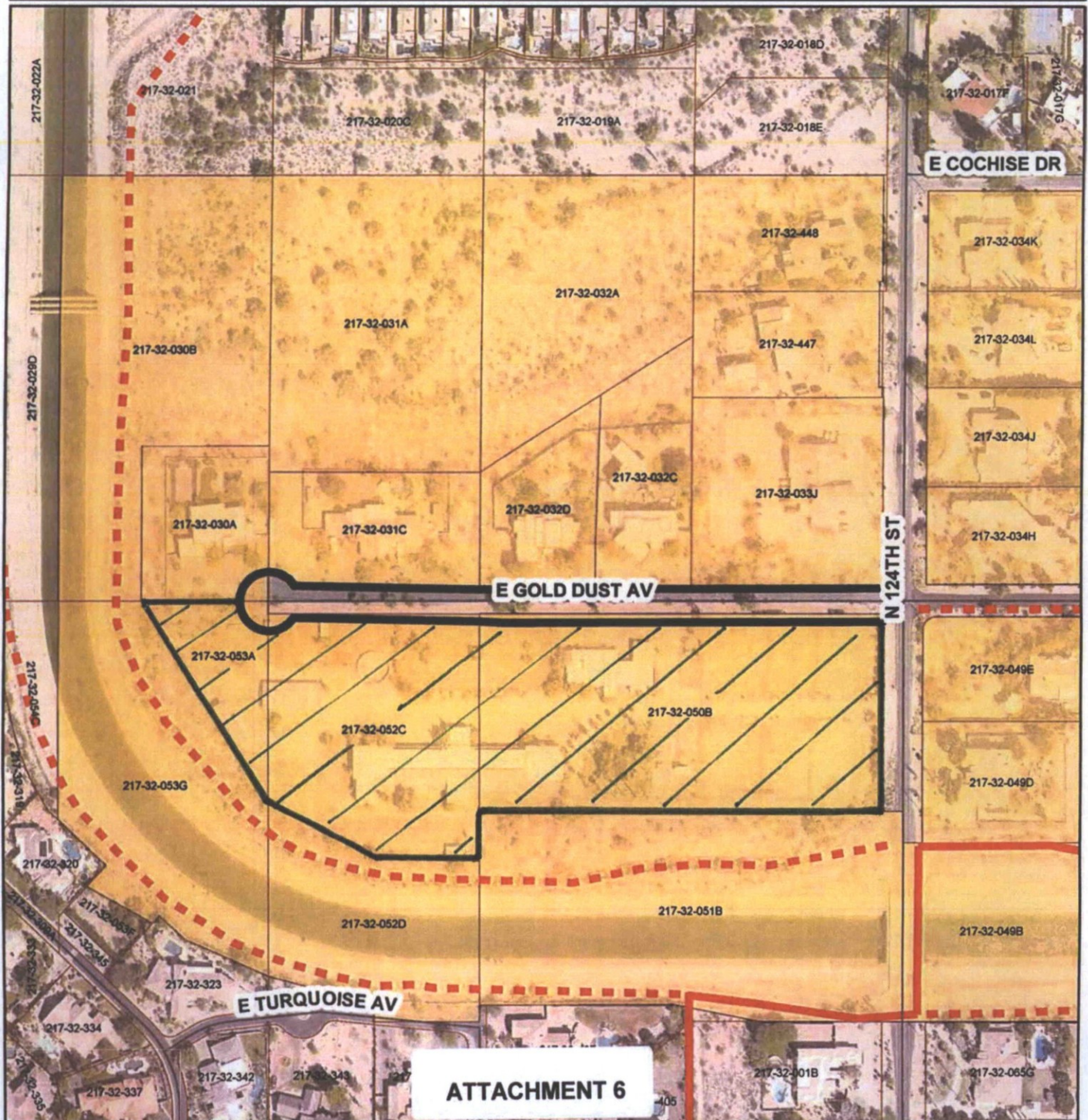
Emerald Hills Ranch, Inc. (the "Applicant") submits the attached applications for (1) abandonment of road/highway easements, (2) release of utility easements, and (3) plat map to combine the three tax parcels into one tax parcel, dedicate additional right-of-way, and provide a utility easement for an existing water line.

The attached exhibits detail the area of land proposed to be abandoned, and an exhibit detailing the area of land proposed to be dedicated to the City for roads, trails, and utilities. The resulting net land area is the total area used for calculating the compensation valuation, which is based on the City's standard fee of \$0.20 per square foot.

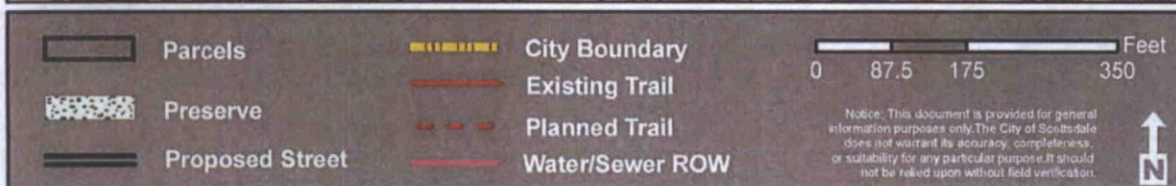
<b>TOTAL LAND AREA OF ABANDONMENTS</b>	<b>50,372 S.F.</b>
<b>TOTAL LAND AREA OF DEDICATIONS</b>	<b>32,833 S.F.</b>
<b>TOTAL NET LAND AREA FOR COMPENSATION</b>	<b>17,539 S.F. X 0.20 = <u>\$3,507.80</u></b>



# East Shea Area 3 Local Area Infrastructure Plan



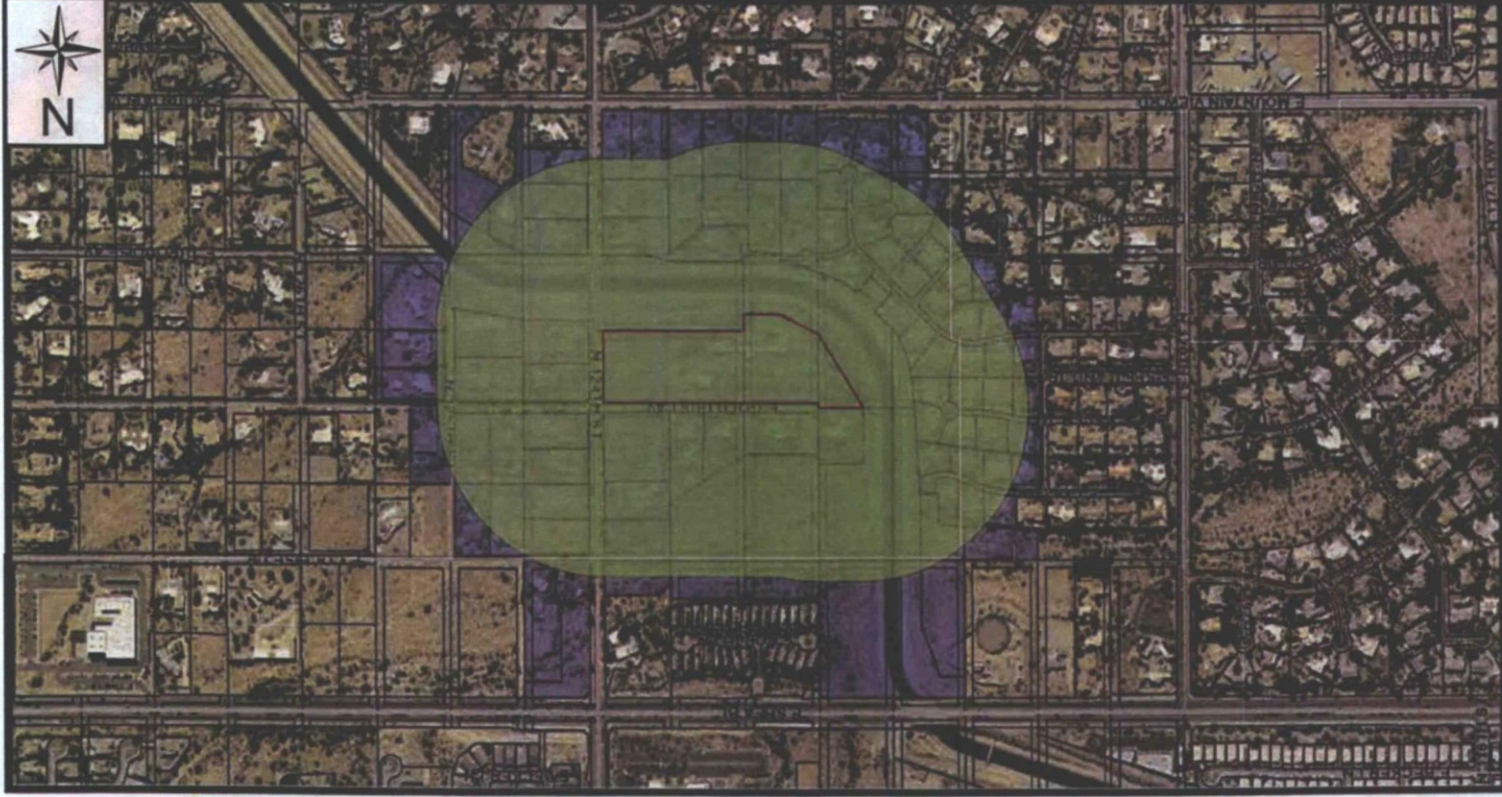
**ATTACHMENT 6**



Last updated 10/2/2018



# City Notifications – Mailing List Selection Map



Map Legend:

Pulled Labels  
October 2, 2018

Additional Notifications:

Interested Parties List  
Adjacent HOA's  
P&Z E-Newsletter  
Facebook  
Twitter  
Nextdoor.com  
City Website-Projects in the hearing process



Postcards: 159

Site Boundary  
Properties within 750-feet

16-AB-2018

ATTACHMENT 7





**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, JANUARY 23, 2019**

**\*DRAFT SUMMARIZED MEETING MINUTES \***

**PRESENT:** Paul Alessio, Chair  
Prescott Smith, Vice Chair  
Larry S. Kush, Commissioner  
Ali Fakh, Commissioner  
Kelsey Young, Commissioner  
Kevin Bollinger, Commissioner

**ABSENT:** Christian Serena, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Chris Zimmer  
Lorraine Castro  
Melissa Berry  
Jesus Murillo  
Keith Niederer

**CALL TO ORDER**

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

**MINUTES REVIEW AND APPROVAL**

1. Approval of January 9, 2019 Regular Meeting Minutes including Study Session.  
**Commissioner Young moved to approve the January 9, 2019 Regular Meeting Minutes, including Study Session, seconded by Commissioner Kush.**  
**The motion carried unanimously with a vote of six (6) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakh, Commissioner Young, and Commissioner Bollinger.**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



## CONTINUANCES

2. 10-UP-2018 (Phoenix Herpetological Society)

**Staff and applicant have decided to continue this case to the February 13th, 2019 meeting**

Request by owner for approval of a Conditional Use Permit for a Community Building and Recreational Facilities, not Publicly Owned, on a 2.1+/-acre site, with the Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning designation, located at 28011 N. 78th Street. Staff contact person is Jesus Murillo, 480-312-7849. **Applicant contact person is Kurt Jones, 602-452-2729.**

**Request to Speak Cards:**

Ruby Farias

**Item No 2: Move to continue case 10-UP-2018 (Phoenix Herpetological Society) to the February 13<sup>th</sup>, 2019 meeting, by a vote of 5-1; Chair Alessio dissenting. Motion by Commissioner Kush, 2<sup>nd</sup> by Vice Chair Smith.**

**The motion carried with a vote of Five (5) to One (1); Vice Chair Smith, Commissioner Kush, Commissioner Fakih, Commissioner Young and Commissioner Bollinger. with Chair Alessio dissenting.**

## EXPEDITED AGENDA

3. 15-ZN-2018 (118th & Ranch Gate)

Request for approval of a Zoning District Map Amendment from Single-family Residential Environmentally Sensitive Lands (R1-130 ESL) zoning to +/- 64.4-acres of Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) and +/- 4.2-acres of Open Space Environmentally Sensitive Lands (O-S ESL) zoning, on a +/- 68.6-acre site located on the northeast corner of N. 118th Street and E. Ranch Gate Road. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is John Berry, (480) 385-2753.**

**Item No. 3: Move to make a recommendation to City Council for approval of 15-ZN-2018, by a vote of 4-0: Motion by Commissioner Kush, per the staff recommended stipulations, after determining that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Young with Commissioner Fakih and Vice Chair Smith recused themselves.**

**The motion passed with a vote of Four (4) to zero (0); by Chair Alessio, Commissioner Young, Commissioner Kush and Commissioner Bollinger with Commissioner Fakih and Vice Chair Smith recusing themselves.**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



4. 16-AB-2018 (Emerald Hills Ranch Abandonment)

Request by owner to abandon the 33-foot-wide General Land Office Patent Easements (GLOPE) along the boundaries of parcels 217-32-050B, 217-32-052C, and 217-32-053A excluding the areas overlapped by the N. 124th Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10030 N. 124th Street. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is Stephen W. Anderson, (602) 256-4422.**

**Item No. 4: Move to make a recommendation to City Council for approval of case 16-AB-2018, by a vote of 6-0: Motion by Commissioner Kush, per the staff recommended stipulations, after determining that the proposed Abandonment is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Bollinger.**

**The motion carried unanimously with a vote of Six (6) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, Commissioner Young, and Commissioner Bollinger.**

**Adjournment – Motion to adjourn at 5:09 p.m.**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"